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Nicole LaPorte  
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**Envisioning Justice and Solidarity in the Household Workplace:**  
The Organizing Power of Immigrant Domestic Workers and Employers in the Bay Area

Nicole LaPorte

University of San Francisco

May 7<sup>th</sup>, 2021

Masters of Arts in Migration Studies

**Envisioning Justice and Solidarity in the Household Workplace:**  
The Organizing Power of Immigrant Domestic Workers and Employers in the Bay  
Area In Partial Fulfillment of the Requirements for the Degree

MASTER IN MIGRATION STUDIES

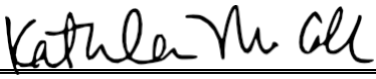
by **Nicole LaPorte May**

**27, 2021**

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis project has been accepted in partial fulfillment of the requirements for the degree.


APPROVED:

  
\_\_\_\_\_

Advisor

May 21, 2020  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Academic Director

May 27, 2021  
\_\_\_\_\_

Date

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Dean of Arts and Sciences

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## I. Abstract

Domestic workers are skilled professionals who engage in a variety of activities ranging from housecleaning, elderly care and childcare support in private households. In the United States, it is estimated that there are over 2.5 million domestic workers, the majority of whom are immigrant women of color.<sup>1</sup> Due to the historic racialized and gendered exclusion from labor law protections such as the Fair Labor Standards Act of 1938,<sup>2</sup> the labor of domestic worker professionals has been made invisible in the United States. Today, domestic workers are three times as likely to be living in poverty and are less likely to receive workplace benefits such as healthcare, overtime pay, and paid time off when compared to all other workforces.<sup>3</sup> The private and informally-governed nature of the work, policy enforcement issues, and the barriers that immigrant women face in and outside of the workplace have created an acute dilemma for both immigrant domestic workers and their employers. In partnership with two community organizations in San Francisco, California- Hand in Hand the Domestic Employers Network and the California Domestic Workers Coalition- this paper follows a local “paid time off” legislative campaign led by immigrant women domestic workers and supported by employers to bring lasting changes to the household workplace. Through studying the particular case of enacting a paid time off program in San Francisco, this paper asks *what is the role of immigrant women organizing to enforce cultural and policy changes in the household workplace? And what is the role of employers of domestic workers to support this immigrant women-led movement?* Finally, through the application of two principles of the social solidarity economy framework, “embrace

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<sup>1</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 2016. Web. 14 Nov. 2019

<sup>2</sup> Nadasen, Premilla. "Citizenship Rights, Domestic Work, And The Fair Labor Standards Act". *The Journal Of Policy History*, vol 24, 2012.

<sup>3</sup> Wolfe, Julie et al “Domestic workers chartbook A comprehensive look at the demographics, wages, benefits, and poverty rates of the professionals who care for our family members and clean our homes” *Economic Policy Institute*, 2020

and integrate immigrant California” and “care for the caring economy”, this research will examine immigrant domestic worker’s demands to radically reimagine social and economic systems to provide care for care workers.

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## II. Introduction

### Objective of the Research:

In San Francisco, California, immigrant domestic workers have endured the largest number of wage and workplace violations over the previous 13-year period.<sup>4</sup> During this same time span, only four formal complaints were filed for every 5,000 estimated minimum wage violations.<sup>5</sup> This exploitation with impunity reflects the historic devaluation of domestic work. The domestic workforce, initially composed of predominately Black women and later immigrant women of color, has throughout history been deliberately excluded from this country's labor law protections. In 1938, the Fair Labor Standards Act (FLSA) was adopted in the United States, enacting into law a forty-hour workweek that allowed workers to earn wages for an extra four hours of overtime.<sup>6</sup> President Franklin Roosevelt called the FLSA the "the most important piece of New Deal legislation".<sup>7</sup> However, the Fair Labor Standards Act specifically outlines its protections to apply to "any individual employed by an employer," thus decisively barring those who not are considered "employees" under the FLSA.<sup>8</sup> The labor safeguards allocated under the FLSA therefore did not extend to informally-defined and unregulated industries such as the domestic work sector.

Due to their unique workplace — inside other people's homes — the struggles that immigrant domestic workers face are largely out of the public spotlight. Today, due to the historic challenges imbedded within the sector, coupled with contemporary complications of

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<sup>4</sup> School of Management and Labor Relations, Rutgers University "A Roadmap A Roadmap for Strategic Enforcement: Complaints and Compliance with San Francisco's Minimum Wage" Center for Innovation in Worker Organization DATA BRIEF, September 2020

<sup>5</sup> School of Management and Labor Relations, Rutgers University "A Roadmap A Roadmap for Strategic Enforcement: Complaints and Compliance with San Francisco's Minimum Wage", 1

<sup>6</sup> Nadasen, Premilla. "Citizenship Rights, Domestic Work, And The Fair Labor Standards Act". 3

<sup>7</sup> Nadasen, Premilla. "Citizenship Rights, Domestic Work, And The Fair Labor Standards Act". 11

<sup>8</sup> Nadasen, Premilla. "Citizenship Rights, Domestic Work, And The Fair Labor Standards Act". 7



policy enforcement, workplace protections like minimum wage, overtime pay, or protections against sexual harassment are rarely extended to immigrant domestic workers. Domestic workers perform highly socially valued labor by caring for homes and loved ones, yet they are often the least valued and the most vulnerable workforce to unjust workplace conditions. Nevertheless, immigrant domestic workers of today continue to advocate tirelessly for access to basic workplace protections and rights.

By 2026, the immigrant women-led domestic workforce is projected to be one of the fastest growing labor sectors in the country.<sup>9</sup> As the slogan of the Domestic Workers Bill of Rights campaign led by the National Domestic Workers Alliance proudly states, “*domestic work is the work that makes all other work possible.*”<sup>10</sup> This sentiment is particularly poignant in the context of the COVID-19 pandemic of 2020 - 2021, when working parents, those responsible for the care of their elderly family members, and people accustomed to arriving home to a professionally-cleaned space reckon with how to balance the abrupt merging of their personal and professional worlds. Homecare work and its status as “essential” labor is suddenly at the forefront of the world’s attention, and advocates are challenging the industry to finally change antiquated and exploitive practices.<sup>11</sup>

### Purpose of the Study

Despite the difficulty in challenging the lack of wage, benefits, and work standards due to the informal nature of the sector, immigrant women domestic workers are actively organizing to

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<sup>9</sup> “Occupational Outlook Handbook: Fastest Growing Occupations”. *U.S Bureau of Labor Statistics*. United Department of Labor, <https://www.bls.gov/ooh/fastest-growing.htm>, Accessed 25 July 2020

<sup>10</sup> Harris, Kamala and Jayapal, Pramila “One Pager: Domestic Workers Bill of Rights” Harris.Senate.Gov. <https://www.harris.senate.gov/imo/media/doc/ONE%20PAGER%20National%20Domestic%20Workers%20Bill%20of%20Rights.pdf> Accessed 22 July 2020

<sup>11</sup> Peck, Emily. “Policymakers Used to Ignore Child Care. Then Came the Pandemic.” *The New York Times*. The New York Times, May 9, 2021. <https://www.nytimes.com/2021/05/09/business/child-care-infrastructure-biden.html>.

change their workplace conditions. While some studies have examined the domestic workforce<sup>12</sup>, only a few have focused on the strategies, barriers, and important cultural and legislative advancements of the domestic worker rights movement.<sup>13</sup> Moreover, there is even less research on the role of domestic employer solidarity in this movement.<sup>14</sup> This paper addresses this gap in the literature through a case study of immigrant domestic workers and employers working together as part of a powerful and transformative movement to change cultural norms, working conditions and labor standards for household workers. By tracing the evolution and outcomes of the San Francisco-based legislative campaign to establish a paid time off program, this research highlights a key local example of the broader vision and tactics the domestic workers rights movement employs in service to radically transforming the sector. Two values of the social solidarity economy, “embrace and integrate immigrant California” and “care for the caring economy,”<sup>15</sup> also frame domestic workers efforts to reimagine the social and economic systems that have led to the devaluation of domestic work. In this way, the San Francisco legislative campaign, and the broader domestic workers rights movement, are part of an effort to build a future in which immigrant domestic workers are valued, dignified, and cared for.

#### Research Questions and Findings:

- *What is the role of immigrant women organizing to enforce cultural and policy changes in the household workplace through the adoption of the paid time off legislative campaign in San Francisco?*

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<sup>12</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible and Unregulated World of Domestic Work". *University of Illinois Center for Urban Economic Development*, 2012, Accessed 10 Dec 2019.

<sup>13</sup> Shah, Hina and Seville, Marci. “Domestic Worker Organizing: Building a Contemporary Movement for Dignity and Power” *Golden Gate University School of Law*. 2012

<sup>14</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers".

<sup>15</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” *University of Southern California Dornsife*, 2020

- *What is the role of employers and allies of domestic workers in supporting this immigrant women-led movement?*

This research has resulted in four key findings. First, the historic and current status of domestic work sector as an immigrant, women of color-led workforce has both contributed to substandard wages and working conditions in the industry, while also producing a powerful and resilient movement aimed at advancing rights for historically excluded workers. The diverse, inclusive and unified character of the movement's organizing base is the cornerstone on which advocates continue to build progress for the sector. The California Domestic Workers Coalition provides a powerful example of the value of a transnational and intersectional approach to organizing, and the importance of following immigrant women workers leadership in both movement building and policy making.

Second, domestic workers organizers and their allies understand that it is imperative to incorporate the perspectives and buy-in of employers to ensure the success of their campaigns for both policy reforms and cultural change. The domestic worker rights movement therefore advocates for an empowered and transformed employer-employee relationship in which both workers and employers learn more about the history and institutional structures that can make domestic worker-employer relationships both emotionally and economically complex. Specifically, employers worked to educate themselves and act in solidarity with the movement to advance the rights of domestic workers in their household workplaces, while also acknowledging the stresses and challenges that low and moderate-income families, seniors, and people with disabilities face in living up to their ideals. In the perspective of this research, employers found support, information and the opportunity to advocate for their own values and their families' needs in Hand in Hand the Domestic Employers Network. Hand in Hand's multifaceted

approach to organizing enables employers to collaborate with domestic workers and contribute meaningfully to strategies aimed at advancing worker rights while educating one another and advocating for greater social supports for people who need care and rely on domestic workers for essential support.

Third, the domestic worker rights movement is equally invested in shifting the narrative around domestic work and immigrant workers as it is in achieving legislative wins. Relying solely on legislative solutions will not address the core problems in the industry such as the antagonism and devaluation of work that immigrant women workers face. The movement therefore calls for changes at the level of the individual employer and worker, both to comply with wage, hour, and working condition laws but also to shift the culture of domestic employment by formalizing relationships and recognizing their positional power. It also advocates broader systemic changes on the local, state and national level, indeed for a radical re-imagining of the social and economic systems that have led to a devalued domestic work sector. The social solidarity economy framework similarly advocates for cultural and political shifts towards a more humane and sustainable economic system that values and supports immigrant communities, and provides care to caregivers and their families.

Finally, the fraught political and economic climate of the 2020 - 2021 year has created a unique opportunity for the domestic workers rights movement to amplify the value of homecare work to a national platform. A year of natural disasters, racial equity uprisings, and a global pandemic have made it all but impossible to ignore the host of systemic inequities that exist in the United States. Moreover, with mandated stay at home orders, many have been forced to reckon with the importance of work performed in their own households. The context of the 2020 – 2021 year has created an opportune moment for advancing principles of solidarity and justice

and the need for mutual care and support<sup>16</sup> for not only immigrant domestic workers and the people who depend upon them, but for all historically marginalized communities.

## Methodology

- Research Design

This research project is based in a community-based participatory research project using qualitative methods including 30 hours of participant observation in meetings and events and 16 semi-structured interviews. In partnership with San Francisco members of two community organizations, Hand in Hand the Domestic Employers Network (Hand in Hand) and the California Domestic Workers Coalition (CDWC), I developed prompts to elicit narratives and analyses of immigrant domestic workers organizers and domestic worker employers to inform the campaigns of the two organizations and to address the research questions that guide this project. I participated and took notes in monthly meetings of the two organizations, which helped me understand deeper background and context for further participant observation in meetings to discuss drafting and lobbying for the passage of both state and local bills.

- Participants

The participants include two groups. The first group is comprised of four immigrant domestic workers who are members of the California Domestic Workers Coalition and have participated in organizing and advocacy to change practices in the domestic work sector. The second group includes twelve employers of immigrant domestic workers who are members and/or founders of Hand in Hand the Domestic Employers Network. All members in this group are white and hold full-time professional occupations. The age range of the participants in both groups is 33– 64. All participants are women, which is notable and speaks to one of the larger themes of this

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<sup>16</sup> Spade, Dean. *Mutual Aid: Building Solidarity during This Crisis (and the next)*. London: Verso, 2020.

research project regarding the gendered nature of the domestic work sector, for both domestic workers and employers of domestic workers.

To give context to the current efforts to bring needed changes to the domestic work sector, the next subsections will provide a brief overview of Hand in Hand the Domestic Employers Network and the California Domestic Workers Coalition, including their history of formation and current scope of work. The organizations' campaigns and the breadth of the participatory research involved in this project will also be described.

- Hand in Hand the Domestic Employers Network

Hand in Hand the Domestic Employers Network is a national network of employers of household workers, including nannies, housecleaners, home attendants. The organization is working towards achieving a domestic work sector in which the work is recognized as dignified and deserving of respectful working conditions, in an environment that would benefit workers and employers alike. Hand in Hand's mission statement reflects on the future of domestic work, whereby

people live in caring communities that recognize all of our interdependence. To get there, we support employers to improve their employment practices and to collaborate with workers to change cultural norms and public policies.<sup>17</sup>

In 2010, Hand in Hand was founded by several domestic employers and allies, a group that was originally organized by Jews for Racial & Economic Justice.<sup>18</sup> Alongside domestic workers, the early group supported the passage of the New York State Domestic Worker Bill of Rights. Danielle Feris, with the help of organizer Ai-Jen Poo, founded Hand in Hand in

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<sup>17</sup>“Hand in Hand The Domestic Employers Network: “About Us: Mission” *Hand in Hand The Domestic Employers Network* <https://domesticemployers.org/about/> Accessed 15 July 2020

<sup>18</sup> Hand in Hand The Domestic Employers Network: “About Us: History” *Hand in Hand The Domestic Employers Network* <https://domesticemployers.org/about/> Accessed 15 July 2020

partnership with Poo’s National Domestic Workers Alliance.<sup>19</sup> Since its founding in 2010, the organization that was initiated by a small group of new mothers meeting together in a New York living room is now a nonprofit organization with a staff of twenty-six a strong and growing national leadership.

- California Domestic Workers Coalition

The California Domestic Workers Coalition (CDWC) is the state’s largest and widest-reaching network of over 300,000 domestic worker organizers, and is the group behind many of the legislative wins that the domestic work sector has achieved at the state over the last several decades.<sup>20</sup> The organization is a statewide alliance comprised of worker centers, labor unions, students, faith groups, policy advocates and community-based organization. It is organized and led by immigrant women of color domestic workers. Its mission is to advance a “movement for the rights and dignity of immigrant women workers by building power through legislative advocacy, grassroots organizing, and leadership development”.<sup>21</sup>

The CDWC was founded in 2006 when Bay Area organizations such as Mujeres Unidas y Activas (MUA) and La Colectiva de Mujeres joined with the Asian Law Caucus to analyze how domestic work was positioned and ultimately excluded in California state labor laws. They, in turn, joined forces with Southern California-based domestic worker organizations and, for the first time at a state-level, prioritized their list of legislative demands, a merging of efforts that would soon lead to the founding of the statewide coalition.<sup>22</sup>

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<sup>19</sup>Hand in Hand The Domestic Employers Network: “About Us: History” *Hand in Hand The Domestic Employers Network* <https://domesticemployers.org/about/> Accessed 15 July 2020

<sup>20</sup> “California Domestic Workers Coalition: About” *California Domestic Workers Coalition*, <https://www.cadomesticworkers.org/about/>. Accessed 18 July 2020

<sup>21</sup> “California Domestic Workers Coalition: About” *California Domestic Workers Coalition*, <https://www.cadomesticworkers.org/about/>. Accessed 18 July 2020

<sup>22</sup> “California Domestic Workers Coalition: History” *California Domestic Workers Coalition*, <https://www.cadomesticworkers.org/about/our-history/> Accessed 18 July 2020

Since its founding, the CDWC has led and supported numerous legislative and advocacy campaigns. The 2013 California Domestic Workers Bill of Rights is one example of a CDWC campaign success. The bill, which mirrors the first of its kind that was passed in New York, was a historic victory in California, which extended overtime protections to domestic workers, and was later made permanent under state law in 2016.<sup>23</sup>

- 2020 – 2021 Campaigns

The Hand in Hand the Domestic Employers Network and the California Domestic Workers Coalition endeavor to reimagine how immigrant communities can be successfully supported and how their rights in the workplace can be fully achieved. In 2020, to move towards realizing that vision, the organizations launched several campaigns rooted in policy advocacy and fundraising efforts.

*SB 1257: Health and Safety Workers Act*

In February 2020, in response to months of organizing led by the California Domestic Workers Coalition and its immigrant domestic worker organizer members, Democrat state senator Maria Elena Durazo of Los Angeles introduced SB1257: Health and Safety for All Workers Act.<sup>24</sup> That bill aimed to eliminate the exclusion of “household domestic service” from protections offered by the Division of Occupational Safety and Health (OSHA). Domestic workers thus would have been afforded the same rights as other workers to protective training and equipment, critical in an era of wildfire-induced hazardous air quality as well as the rise of

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<sup>23</sup> “California Domestic Workers Coalition: Victories” *California Domestic Workers Coalition*, <https://www.cadomesticworkers.org/policy-advocacy/victories/> Accessed 21 March 2020

<sup>24</sup> Bernstein, Dennis “Gavin Newsom Just Vetoed a Bill That Would Protect Domestic Workers”, *The Progressive* <https://progressive.org/dispatches/newsom-vetoed-bill-protect-workers-bernstein-201009/?fbclid=IwAR3cGa2tsLnN38bw7g55CYqzOp8sWJjrJgY1OjNwma1ZoUn2HkdEqcmqZF0> October 9<sup>th</sup> 2020



COVID-19. This bill would have effectively ended forty-seven years of systemic exclusion of domestic workers from basic workplace health and safety protections.

On October 1, 2020, in a crushing setback to the CDWC's efforts and to all domestic workers across California, Governor Gavin Newsom vetoed SB1257 on grounds that "many individuals to whom this law would apply lack the expertise to comply with these regulations."<sup>25</sup> When the news broke of Newsom's veto, hundreds of domestic worker organizers and allies gathered to protest across the cities of Los Angeles and San Francisco. In both cities, groups staged a "die-in" on the steps of the buildings to embody the slogans on some of the signs held: "Governor Newsom, Your Veto is Killing Us." In an interview with newspaper, *The Progressive*, CDWC director Kimberly Alvarenga stated that Governor Newsom signaled a clear message by vetoing SB1257:

His message to us is that low-wage immigrant women workers in the State of California are second-class workers. He has made it very clear that they're good enough and essential enough to clean up toxic ash after wildfires inside people's homes. [But] they're not good enough to get the same health and safety protections that other people enjoy.<sup>26</sup>

In the same interview, Meagan Ortiz, Executive Director of the Institute of Popular Education of Southern California, rejected Newsom's claim that the household workplace cannot be regulated in the same way as other workplaces, stating:

What are they going to tell women who can die from coronavirus because they contracted it at work? Or if any accident happens? That's why owners have home insurance. There are many regulations that the owners have to follow.<sup>27</sup>

In March 2021, CDWC, in partnership with Hand in Hand, re-launched the Health and Safety for All Workers Act (SB 321). This time, in addition to including domestic workers under the protections of California's division of Occupational Health and Safety, the proposed bill

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<sup>25</sup> Bernstein, Dennis "Gavin Newsom Just Vetoed a Bill That Would Protect Domestic Workers", 1

<sup>26</sup> Bernstein, Dennis "Gavin Newsom Just Vetoed a Bill That Would Protect Domestic Workers", 1

<sup>27</sup> Bernstein, Dennis "Gavin Newsom Just Vetoed a Bill That Would Protect Domestic Workers", 1

provides “safeguards for protecting the privacy of individual employers in the enforcement process,” as “a safer workplace for domestic workers means a safer home for their employers.”<sup>28</sup> The leaders of the campaign are hopeful that the added employer-centered language will address Newsom’s concern with how employers would implement and enforce granted protections to domestic workers in their workplace, and will make it difficult for Newsom to veto the reconstructed bill when it is introduced as he did SB1257.

#### *Paid Time Off Program Ordinance in San Francisco*

While the initial veto of SB1257 was devastating to the immigrant domestic workers across the state who had spent countless hours planning, sharing petitions, making phone calls, and presenting their personal testimony at lobbying meetings, they nevertheless persisted by organizing their next campaign in the form of a paid time off program. This CDWC-led campaign focuses on the local level, in the city of San Francisco. If passed, the city-wide ordinance will grant domestic workers the right to accrue paid time off consistent with rights guaranteed to other sectors under the law. Rocío Avila, state policy and staff attorney director at the National Domestic Workers Alliance, attended a CDWC meeting in the fall of 2020 to explain in more detail the importance of this ordinance and the benefits that it would provide to domestic workers based in San Francisco if passed:

The main challenge to resolve with this new ordinance is to recognize that even though there is a law [ensuring paid leave] already in place in San Francisco, that domestic workers are not protected under it as they have not been able to accumulate paid sick leave while working for multiple employers. If passed, the ordinance would also address the fact that the majority of domestic workers are paid for work in cash, and thus the hours that worked are not formally registered. The final challenge that this ordinance will tackle is the issue of general enforcement; ensuring that employers are doing what they need to do and complying will all laws.<sup>29</sup>

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<sup>28</sup> Network, Action. “I Support Health and Safety for Domestic Workers.” The Action Network. Accessed January 17, 2021. <https://actionnetwork.org/petitions/i-support-health-and-safety-protections-for-domestic-workers>

<sup>29</sup> Field notes, “California Domestic Workers Coalition Meeting” 19 November 2020

To summarize, the ordinance would create a portable benefits system, a centralized entity responsible for systematically documenting hours worked to calculate accrued paid time off. The program would additionally calculate the exact wages to be distributed to the worker. Finally, it would include an education component so that employers of domestic workers are aware of how to track and grant paid time off and issue correct payments to their employees. When the ordinance is presented in June of 2021, San Francisco and its board of supervisors will have the opportunity to correct the historic inequities that immigrant domestic workers face in San Francisco.

#### Description of the Participatory Research

From the spring of 2020 to the spring of 2021, this research project followed the evolution of the legislative campaigns described above, particularly focusing on the proposed paid time off program system ordinance in San Francisco. The qualitative data analysis from observing and participating in the campaign reflect a contemporary, local example of the impact of the national domestic workers rights movement. The research included over twenty hours of semi-structured interviews with immigrant domestic worker organizers in the CDWC and employer members of Hand in Hand. In partnership with Hand in Hand, I participated in over thirty hours observing meetings and events and advocating for the CDWC's state-level legislative campaigns. This process involved attending organizing meetings, calling and emailing employers to gain support for the campaigns, and attending lobbying meetings with the San Francisco Board of Supervisors.

The organizing meetings led by the CDWC were often two-hours long, and were frequently attended by over forty people. In these meetings, facilitated in four different languages - Chinese, English, Spanish, and Tagalong - the CDWC discussed San Francisco's

paid time off proposal and allowed space for breakout sessions and question and answer panels. Since the outbreak of COVID-19 and the Shelter in Place orders in March 2020, organizing efforts focused on the passing and implementation of the ordinance have been significantly derailed due to the lack of connection and cohesion in meetings that have been moved from in-person to an online platform. It is a powerful testament to the important call of the movement that significant work is still moving forward despite the barriers of a virtual environment.

### Road Map:

In the pages that follow, a review of the relevant literature provides a perspective into the historical-global factors that have led to women being confined to private, informal domains, and explains that over time, that work in the household has transferred from the duty of the housewife to the duty of the migrant woman worker. The literature furthermore traces the impact of the sector's transition to an immigrant women-led workforce in context of the gendered and racialized exclusion from protections under the law and its importance in labor organizing.

The results of the qualitative data gathered will then be discussed. This data includes summaries and analysis of the semi-structured interviews with the members of Hand in Hand and the CDWC as well as data and analysis related to the paid time off legislative campaign that the two organizations are leading. The data will demonstrate the power and resilience of immigrant domestic workers' organizing campaigns that advocate for improved workplace conditions. The paper will also examine the ways in which employers of domestic workers have acted in solidarity with the efforts of domestic workers, and the importance of employer accountability to change the practices and culture of their household workplace. The findings will examine the failed systems of government regulation of the household work sector within the United States

and the myriad of challenges that immigrant domestic workers and employers alike face as a result.

### **III. Review of the Literature**

#### Introduction to the Review of the Literature

This project builds on the foundation provided by research on immigrant domestic worker, labor organizing and the informal economy. These bodies of scholarship document the historical and global systems and dynamics underpinning the gendered division of labor in the home, the exclusion of domestic workers from formal labor protections, and the impact of vague, informal and non-standardized practices on employers' understanding of their own relationship to this work and their employees. Understanding the relationship between the labor movement, labor organizing and the emergence of domestic workers as a political force underscores the significance of their work to build an intersectional and robust movement that aims to advance rights for all excluded workers.

#### Informal Economy

It is a common misconception that unregulated, informal labor sectors are unique to “underdeveloped,” non-Western nations. In fact, informal, unregulated labor is no new societal phenomenon. Western economies have always reserved a place for “informal” work, which can be tentatively defined as the total of income-earning activities with the “exclusion of those that involve contractual and legally regulated employment.”<sup>30</sup> The term is therefore reserved for activities in industries such as domestic work in which production and exchange “escape legal

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<sup>30</sup> Portes, Alejandro, and Saskia Sassen-Koob. “Making It Underground: Comparative Material on the Informal Sector in Western Market Economies.” *American Journal of Sociology*, 1987

regulation”.<sup>31</sup> Throughout the 20<sup>th</sup> century, many economists believed that this sector of work would eventually disappear altogether with the growth and modernization of the Western economy.<sup>32</sup> Today, this assumption is challenged by the realization that the informal economy is actually booming in countries like the United States, and has become an inherent part of this country’s capitalist system. This is made clear by the rise and persistence of a highly stratified economic climate and the resulting limited social and economic mobility that disproportionately affects vulnerable populations like migrant communities.<sup>33</sup>

Human migration sociologists Saskia Sassen and Alejandro Portes have also examined how informal sectors are created in the industrialized world, and have looked at the role of the state in maintaining them. Sassen and Portes believe that:

It is important to note the role of the state in the informalization process. On the surface, these activities must be proscribed by the authorities because they violate state-imposed controls. There is reason to suspect, however, that their proliferation has occurred with the acquiescence, if not the support, of national and local authorities.<sup>34</sup>

This assumption- that states purposefully maintain the precarious nature of private and informal labor sectors- is important to examine as such work is increasingly being performed by a migrant women workforce from the Global South.<sup>35</sup> It is plausible to assume that states have little incentive to examine and change the conditions of the informal workplace sphere, as the work is performed by migrant women who have already been marginalized with few resources to shed public light on the injustices they face.

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<sup>31</sup> Portes, Alejandro, and Saskia Sassen-Koob. “Making It Underground: Comparative Material on the Informal Sector in Western Market Economies.” 20

<sup>32</sup> Portes, Alejandro, and Saskia Sassen-Koob. “Making It Underground: Comparative Material on the Informal Sector in Western Market Economies.” 21

<sup>33</sup> Portes, Alejandro, and Saskia Sassen-Koob. “Making It Underground: Comparative Material on the Informal Sector in Western Market Economies.” 31

<sup>34</sup> Portes, Koob. “Making It Underground: Comparative Material on the Informal Sector in Western Market Economies.” 7

<sup>35</sup> Portes, Koob. “Making It Underground: Comparative Material on the Informal Sector in Western Market Economies.” 9

Women- in particular migrant women of color- are unevenly confined to spaces within the informal economy. The precarity inherent in the informal economy is therefore gendered and racialized in its impacts, and in this way maintains labor performed in the sector as private, unregulated, and “invisibilized”. Labor performed in domestic spaces- the private household- is a principal example of invisible work within the informal economy. The domestic vs. public sphere as a two-culture model, coined by feminist anthropologist Michelle Rosaldo, is a useful framework to examine the disproportionate gendered impacts of domestic labor. The two-culture model emphasizes that divergent spheres of the domestic and public domain view gender-oriented domains as completely separate.<sup>36</sup> Rosaldo argued that particular activities that are assigned to men, versus those assigned to women, are seen as having more value and generally contribute more to society.<sup>37</sup> Most pointedly, the so-called simpler roles of women in housework and childrearing- domestic labor- are held at a much lesser value. In this way, the socialized ideology of gender divergence, and thereby inequality, is reinforced.

This concept of the two-culture model and the low value that is assigned to “women’s work” in the private domain is most apparent in the domestic work sphere of today. With changing social-cultural norms over time, and women now increasingly able to attain jobs in the public domain, household work is no longer necessarily the duty of the stay-at-home housewife. However, this change has resulted in the transfer of such work to those who have limited employment opportunities due to educational and citizenship status but who need to earn an income: the woman migrant worker. To further understand the gendered division of domestic labor and its impact on migrant women today, it is important to first examine the global-

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<sup>36</sup> Silverstein, Stella “Reviewed Work: *Woman, Culture and Society* by Michelle Zimbalist Rosaldo and Lousie Lamphere” *Cambridge University Press*, 1975

<sup>37</sup> Silverstein, Stella “Reviewed Work: *Woman, Culture and Society* by Michelle Zimbalist Rosaldo and Lousie Lamphere” 3

historical factors that led to the construction of the “women worker within the domestic work sector.”

Eileen Boris, in *Making the Woman Worker: Precarious Labor and the Fight for Global Standards 1919 -2019*, examines the role of the International Labor Organization (ILO) in constructing the “woman worker” through global labor standards over the last century, particularly concerning how such standards, or lack thereof, have manifested in precarious labor sectors like domestic work. In the postwar period of World War I, the ILO was established to bring forward necessary solutions to the poor working conditions of the Western workplace. In its first iteration, the ILO created standards for workers and the workplace exclusively from the position that the worker is considered to be male, and the employer is considered to be industry, transport, agriculture, or an otherwise extractive process<sup>38</sup>. Thus, the women worker, and the private household workplace, was excluded from achieving formal recognition and rights. As Boris puts it, “the world’s first constructed, legalized labor standards in the realm of formal employment were gendered, racialized and geographically bound”.<sup>39</sup>

While the ILO has since shifted its policies to recognize women workers and introduce flexibility in the workplace, the gains made have disproportionality harmed women in favor of men. Work in the household, for example, is still to this day considered to be outside of “formal labor”, and thereby undeserved of standardized workplace rights and benefits.<sup>40</sup> Thus, feminized labors, such as those associated with social reproduction like domestic work, have much to teach us about precariousness. Boris explains this concept well in her piece by stating that:

Precarity has come to mean more than just the erosion of labor standards. It is a product of capitalist social relations. And capitalism brings about insecurity. It not only generates

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<sup>38</sup> Boris, Eileen, “Making the Woman Worker: Precarious Labor and the Fight for Global Standards” 1919 – 2019. Oxford University Press, 2019.

<sup>39</sup> Boris, Eileen, “Making the Woman Worker: Precarious Labor and the Fight for Global Standards” 19

<sup>40</sup> Boris, Eileen, “Making the Woman Worker: Precarious Labor and the Fight for Global Standards” 11



the antithesis of care, but it makes it difficult to receive the care we all need by devaluing such labor- both the unpaid work within the family and the poorly paid jobs in the care economy that are increasingly performed by non-citizens in industrialized nations.<sup>41</sup>

Here, Boris connects how capitalist forces have created the conditions by which care work in the household is deliberately devalued. And even over time, as women in the Global North have transitioned away from working in the private sphere to the public sphere, the work is increasingly being performed by migrant women, many of whom migrated to escape economic insecurity only to find themselves confined to the same perilous work spaces that supposedly stable, industrialized nations offer.

### Immigrant Domestic Workers

As a daughter of a former domestic worker, the employer of a Salvadoran house cleaner, and an activist in a worker advocacy agency, Hondagneu-Sotelo provides an insightful look at Latina domestic workers and the changing landscape of employer relations. Hondagneu-Sotelo follows the transition of domestic work from Black women workforce to an immigrant women workforce, and the subsequent devaluing of labor after this transition, including how the work was excluded from such landmark labor regulations such as the Fair Standards Labor Act.<sup>42</sup> She argues that two factors led to the emergence of an immigrant-led domestic workforce: 1) globalization that has promoted higher rates of immigration, leading immigrant women to settle into the only jobs that seem attainable like those that are unregulated/hidden from the formal economy, and 2) the increased racialized xenophobia that has resulted from the heightened rates of immigration in the US.<sup>43</sup> In this way, Hondagneu-Sotelo argues that the United States has

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<sup>41</sup> Boris, Eileen, "Making the Woman Worker: Precarious Labor and the Fight for Global Standards" 17

<sup>42</sup> Pierrette Hondagneu-Sotelo, "Domestica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence" University of California Press, 2007.

<sup>43</sup> Pierrette Hondagneu-Sotelo, "Domestica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence"

constructed and maintained a racialized and gendered hierarchy of labor of which has influenced the structure of the domestic labor sector.

*“Home Economics: The Invisible and Unregulated World of Domestic Work,”* drafted by the National Domestic Workers Alliance in 2012, documents the serious and widespread mistreatment of domestic workers in the United States. The report reveals that substandard working conditions are pervasive in the domestic work industry. In the Results section that follows, some of these findings are examined adjacent to the qualitative data gathered from the immigrant domestic workers and employers interviewed in this project. Broadly, the report finds that domestic workers are underpaid, the working conditions do not comply with health codes that are standardized across other labor sectors, and the right effective recourse to improve these conditions is rarely extended to its workers, if at all.<sup>44</sup> The report declares that action is required on several fronts, including the enactment of new polices to rectify the exclusion of domestic workers from employment and labor laws that can be enacted through organizing and enforced by law.<sup>45</sup>

In May of 2016, the UCLA Labor Center released *“Profile, Practices and Needs of California's Domestic Work Employers”*, draws upon field surveys, interviews, and analyses to indicate that the work performed by immigrant domestic workers has become an integral part of Californian’s daily lives. The report attributes the challenges imbedded in the unregulated domestic work sector as tied to the barriers that employers face in accessing information about how to better support their employees. For example, the report cited that one-third of surveyed employers would pay their employees higher wages if they felt there was clear standardization of

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<sup>44</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work". 11

<sup>45</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work" 21

workplace practices. Moreover, nearly half of employers surveyed indicated that they needed more support to understand how to better manage their employees.<sup>46</sup> These findings signify that many employers of immigrant domestic workers value the work itself, and want to improve the working conditions within their household if they had better education on how to do so. This sentiment creates a clear connection between immigrant domestic workers and this paper's final key concept: the importance of labor organizing.

### Labor Organizing:

Lowell Turner argues that growing inequality is a defining social crisis of our era, and that a revitalization of the labor movement is a “necessary precondition for the reversal of this spreading social cancer”.<sup>47</sup> The joining of the sweeping political and economic charges of neoliberalism and global liberalization, referred to by Turner as the “conjuncture,” is the force that coalition building and grassroots mobilization are creating new strategies to resist.<sup>48</sup> Turner finds that this particular form of mobilization is occurring specifically at the urban level, and in labor sectors such as the domestic work sphere.<sup>49</sup> He argues that immigrant communities are integral to successful coalition building in labor movements. Finally, Turner asserts that the growing immigrant workforces occupy a central position in the success of contemporary organizing efforts, and is a significant factor in the opportunity structure.<sup>50</sup>

The history of domestic worker organizing in particular is long and robust. Collaborating with the National Domestic Workers Alliance, Premilla Nadasen and Tiffany Williams have traced the historical roots of domestic workers advocating for better workplace conditions. In the

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<sup>46</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 19

<sup>47</sup> Turner, Lowell “Labor in the New Urban Battleground: Local Solidarity in a Global Economy”. *Cornell University*, 2007.

<sup>48</sup> Turner, Lowell “Labor in the New Urban Battleground: Local Solidarity in a Global Economy”. 2

<sup>49</sup> Turner, Lowell “Labor in the New Urban Battleground: Local Solidarity in a Global Economy”. 2

<sup>50</sup> Turner, Lowell “Labor in the New Urban Battleground: Local Solidarity in a Global Economy”. 163

early 1880s, several thousand Black women working as dishwashers in Atlanta organized a strike for increased wages.<sup>51</sup> Later, in the mid 1930s, domestic workers formed coalitions to discuss the rampant abuse and exploitation experienced in the sector. In the 1960s, a nationwide domestic workers rights movement led a national campaign that called for improved legal protections and dignity in the workplace. This movement from the late 1800s to the mid 1990s was specifically led by Black female domestic workers seeking to redefine employer-employee relations, increased minimum wage, and paid leave.<sup>52</sup> The historic roots of the domestic worker rights movement reveals its intersection nature. The “theory of intersectionality” was first articulated by Kimberlé Crenshaw, a Black feminist legal scholar, to understand how race, class, gender and other individual characteristics “intersect” and overlap with one another.<sup>53</sup> In her analysis, Crenshaw specifically centers the intersecting identifies of women of color in relation to their experience of violence and the law.<sup>54</sup> This includes the structural violence that immigrant women of color experience in relation to the many lines of inequality that are mutually constitutive.<sup>55</sup>

In the past 20 years, Nadasen and Williams have found that there has been a reassurance in the domestic workers rights movement that has taken a new form in organizing base and strategy. Changes in economic structures have led to a growing workforce of informal and temporary workers that are excluded from protections under the law. Due to these changes in the labor structures, the work has now been directed primarily towards immigrant women of color.<sup>56</sup>

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<sup>51</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” *Barnard Center for Research on Women* 5 (January 2011).

<sup>52</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” 9

<sup>53</sup> Crenshaw, Kimberlé. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43, no. 6 (1991): 1241-299. Accessed May 14, 2021. doi:10.2307/1229039.

<sup>54</sup> Crenshaw, Kimberlé. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color."

<sup>55</sup> Crenshaw, Kimberlé. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color."

<sup>56</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” 7

Domestic workers have thus pivoted in their approach to labor organizing for a reconstituted workforce.

Labor attorneys and advocates Hina Shah and Marci Seville examine the successes and setbacks of immigrant-led labor organizing in the domestic workforce. Shah and Seville explore the history of domestic work in the United States in its gendered, racial, and class-ingrained roots, and follow the rise of robust worker movements that have significantly changed the sector in the past decade on a national and international scale. On the worker movement end, Shah and Seville explain the challenges that advocates and workers face due to the “unorganizable nature” of domestic work. The authors explain that it has long been viewed this way due to the work being performed in isolated units and for individual employers: “the decentralized and multi-employer nature of the industry does not lend itself to the industrial union organizing model.”<sup>57</sup> Although the industry made small gains in the late 1800s to mid-1900s, the movements that called for real changes to the work were primarily led by white, middle-class women who viewed their role as negotiators between domestic workers and their employers. These movements did not accurately capture the desires and demands of the workers themselves. The authors’ central focus is how the demographic change in the domestic workforce to an immigrant-dominated one has specifically led to organizing successes that have improved and regulated the industry. According to the authors, it was not until after this demographic change that the organizing of domestic workers began to take form in a grassroots and worker-led focus on 1) building the power and leadership of domestic workers and 2) fostering broad-based alliances.<sup>58</sup> Shah and Seville’s analysis shows how immigrant domestic workers have reframed

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<sup>57</sup> Shah, Hina and Seville, Marci. “Domestic Worker Organizing: Building a Contemporary Movement for Dignity and Power” 7

<sup>58</sup> Shah, Hina and Seville, Marci. “Domestic Worker Organizing: Building a Contemporary Movement for Dignity and Power” 31

the dialogue and achieved marked gains in their workplace. These achievements include having domestic work governed by the Fair Labor Standards Act and, more recently, having advocated for and won the passage of the California Domestic Worker Bill of Rights.<sup>59</sup>

#### **IV. Results**

##### Introduction to the Results

It is critical to consider the context of the fraught political, economic and social climate in the United States in 2020 – 2021 when examining the campaigns that Hand in Hand and the CDWC are organizing to gain basic workplace protections that would ensure the health and safety of all workers. A complete and just picture of the deep history, wide scope of work, and recent organizing efforts of the two organizations cannot be painted without recognizing the unprecedented moment we are in, in which pandemics rooted in racial, economic and health crisis are sweeping across the globe. Emerging research has revealed that COVID-19 in particular has had a disproportionate impact in communities across the United States, a disparity that is largely influenced by factors of race, ethnicity, and income-levels. As of March 2021, Pacific Islander, Latino, Indigenous and Black Americans all have a COVID-19 death rate of double or more than that of White Americans.<sup>60</sup> In the San Francisco Bay Area, women of color make up the majority of the 1.1 million workers who are considered “essential” and “frontline workers,” with domestic work comprising 66% of this classification. Domestic workers, therefore, did not have the opportunity to “shelter in place” in 2020 to stay protected from the

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<sup>59</sup> Shah, Hina and Seville, Marci. “Domestic Worker Organizing: Building a Contemporary Movement for Dignity and Power” 33

<sup>60</sup> “Color of Coronavirus: COVID-19 Deaths Analyzed by Race and Ethnicity.” APM Research Lab, March 5, 2021. <https://www.apmresearchlab.org/covid/deaths-by-race>.

ongoing spread of the virus.<sup>61</sup> Moreover, research has found that immigrant families entered into the COVID-19 crisis afraid to access noncash public supports- specifically avoiding programs such as Medicaid, SNAP and housing subsidies- because of changes to the “public charge” rules that went into effect shortly prior to the start of the pandemic.<sup>62</sup> As of May 2021, immigrant families are still barred from accessing federal stimulus legislating, including unemployment insurance benefits and economic impact payments.<sup>63</sup>

In early April of 2020, shortly following the initial spread of COVID-19 across the United States that ignited the first round of “shelter in place” orders, Hand in Hand hosted a webinar titled “Domestic Workers and People with Disabilities: Organizing for Safety and Health in the context of COVID-19, Wildfires and Power Shutoffs.” In the webinar, representatives from organizing groups central to the disability justice and domestic workers rights movement spoke about the COVID 19- and wildfire-related challenges that they were facing. A housecleaner and organizer from ALMAS at the Centro Laboral Graton shared her experience with the group, and explained the urgency in passing legislative ordinances that would provide health and safety protections in the workplace:

I have been a house cleaner for many years... and we do not receive any benefits from the Federal Government. We don't qualify for state unemployment. During this crisis, we look for food for our families wherever we can, like the food bank and other donations. We don't want to be considered public charges, because it could impact our ability to adjust our legal status in the future. As a community, we are always scared that I.C.E. could arrive... and many people do not access healthcare during this coronavirus crisis. Many of us are suffering from anxiety and our children are suffering from stress.... We believe that local government has the moral responsibility to support us as undocumented workers. During the current crisis of the coronavirus, people in my community continue

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<sup>61</sup> Henderson, Jamila et al “A Profile of Frontline Workers in the Bay Area: Bay Area Equity Atlas.” A Profile of Frontline Workers in the Bay Area | Bay Area Equity Atlas, May 13, 2020. <https://bayareaequityatlas.org/essential-workers>.

<sup>62</sup> Bernstein, Hamutal et al. Immigrant Families Hit Hard by the Pandemic May Be Afraid to Receive the Help They Need. Urban Institute, December 3, 2020. <https://www.urban.org/urban-wire/immigrant-families-hit-hard-pandemic-may-be-afraid-receive-help-they-need>

<sup>63</sup> Bernstein, Hamutal et al. Immigrant Families Hit Hard by the Pandemic May Be Afraid to Receive the Help They Need. Urban Institute, December 3, 2020.

to work out of necessity. Many of these types of abuses and the suffering of the worker are caused by the fact that we are not currently protected under health and safety laws such as Cal-OSHA. Historically, domestic workers, like house cleaners and gardeners and day laborers have been excluded under this state law. At this moment, we are organizing to change this... In this moment, we need all of your support for the immigrant community. The working community.<sup>64</sup>

Another immigrant domestic worker and member of the CDWC shared how the spread of COVID-19 has impacted her and her family's work, livelihood, and safety:

I've been a domestic worker since 2009... I've experienced all aspects of being a domestic worker. I've been a nanny, I've been a house cleaner, and when I came to the U.S., I became a homecare worker or private caregiver.... Because of COVID-19, and because of my underlying health conditions, I decided to stop working for now and focus on organizing my fellow domestic workers. I'm scared to work in the middle of the pandemic, because I am a single mom, and it's been a while since I've seen my child ever since I decided to leave the Philippines to work abroad. Aside from that, I worry about infecting those I take care of, because they're vulnerable and would be greatly affected if they are infected by COVID-19. So even though I really want to work, because I need to support myself and my family, I am unable to do so. ***It is very difficult because I have to choose between two very important things in a person's life. Livelihood or health.*** For me, my health is more important. If something happens to me here, I have no idea with a will happen to my family. I also cannot depend on anyone here since I'm alone here in the U.S. and my situation is difficult here. I came from a poor background, and I am the breadwinner of my family. And now, because of COVID-19, I cannot work and because I cannot work, I cannot send money to my family... I know the challenges I am experiencing are challenges of thousands of domestic workers in California are experiencing too. Because right now, we are not included in the law, and we also do not have protection against calamities like wildfires, and now a pandemic virus. Time and time again, we need to put our lives and livelihood in danger. ***But from what I've seen, now is the time for change. Because if not now, when?***<sup>65</sup>

The immigrant domestic worker organizers who shared during the webinar that day provided a small glimpse into their extensive fight for the basic resources needed to support themselves, their families and their communities. As discussed throughout this paper, immigrant domestic workers have advocated for these basic protections and benefits in the household

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<sup>64</sup> Field notes, "Domestic Workers and People with Disabilities: Organizing for Safety and Health in the context of COVID-19, Wildfires and Power Shutoffs Webinar" 11 April 2020

<sup>65</sup> Field notes, "Domestic Workers and People with Disabilities: Organizing for Safety and Health in the context of COVID-19, Wildfires and Power Shutoffs Webinar" 11 April 2020



workplace for decades. But advancing this effort, made clear in the webinar and the organizing meetings concerning the legislative campaigns that have been held since, is particularly critical in the era of COVID-19. To restate the moving sentiment shared by the CDWC member in the webinar: *“because if not now, when?”*<sup>66</sup>

## **Chapter 1: Immigrant Domestic Workers: The Challenges in the Workplace and Power in Organizing**

### The Failed Promise of Migration: Missed Opportunities in the Household Workplace

The labor reports noted in earlier sections, the observational data collected from the CDWC-led organizing meetings, and the personal experiences noted in the following sections corroborate the unambiguous truth that exploitation with impunity is a common experience in the domestic work sector. Migrant communities that have been influenced by the push and pull factors of migration then ultimately confront the failed promise of countries like the United States. As a Western, democratically-governed nation, the United States purports to have secure, stable, and protected systems of employment, enforcement, and public support. Yet, as is clear from the various sources of evidence presented in this paper, the vocational opportunities that migrant communities are confined to - the domestic work sector as a principle example - are systematically maintained as undervalued, exploited and invisibilized labor.

In the field of migration studies, traditional migration theory tends to focus on the “push” and “pull” factors that influence individuals and families to uproot their lives in their home countries and attempt to migrate to and settle in countries like the United States. The “pull” factors include but are not limited to increased financial security, greater educational and vocational opportunities, and, in the case of many refugee and asylum seekers, the chance at

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<sup>66</sup> Field notes, “Domestic Workers and People with Disabilities: Organizing for Safety and Health in the context of COVID-19, Wildfires and Power Shutoffs Webinar” 11 April 2020

safety from the persecution and violence from which they have been forced to flee.<sup>67</sup> Today, emerging literature in the migration studies field has begun to ask why migrants are met with punitive policies when crossing borders in pursuit of these “pull” factors, why they face hostility and anti-immigrant sentiment when attempting to integrate into communities, and why they are barred from achieving the freedom, refuge, and equal opportunity that countries like the United States claims to offer. This section will describe experiences of the immigrant domestic workers and organizers that were interviewed in this research project and will offer a small window into the myriad of challenges they face in trying to achieve the security that is promised when settling into countries like the United States.

The immigrant domestic workers interviewed for this project carry different backgrounds, migration stories, and connections to domestic work and the domestic worker rights movement. However, they all share similar experiences with the varying forms of hazardous conditions and exploitation that they face in their workplace. For confidentiality purposes, the results of the interviews are summarized without using any identifying information or direct quotations. In the interviews conducted, all immigrant domestic worker participants believed that the income they received did not correlate accurately to the number of hours that they worked times their rate of pay<sup>68</sup>. Nor do they believe that their actual rate of pay reflects the difficult and skilled labor that they performed.<sup>69</sup> All participants also shared that at one point in time in their careers, they have worked well over their agreed upon working hours without pay, let alone overtime pay. None of the participants indicated that they had ever received a formal,

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<sup>67</sup> Gadi BenEzer, Roger Zetter, Searching for Directions: Conceptual and Methodological Challenges in Researching Refugee Journeys, *Journal of Refugee Studies*, Volume 28, Issue 3, September 2015,

<sup>68</sup> Field Notes “Interview with Domestic Worker”

<sup>69</sup> Field Notes “Interview with Domestic Worker”

standardized written contract that outlines the expectations and/or benefits tied to their role.<sup>70</sup>

One interview participant explained that they did not receive sufficient, FDA-approved cleaning supplies necessary to complete their work. Three interview participants described scenarios in which they were repeatedly forced into situations by their employer that felt “manipulative” and “degrading.”<sup>71</sup>

The experiences described by the immigrant domestic workers interviewed are disconcerting yet unsurprising. The National Domestic Workers Alliance (NDWA) has produced several surveys and research reports that detail the conditions and various levels of exploitation experienced in the United States domestic work sector. NDWA (2012) finds that 23% of domestic workers are paid below the state minimum wage, and the majority of workers are paid a flat rate that does not fluctuate in accordance to the actual number of hours worked.<sup>72</sup> Of the domestic workers surveyed by NDWA, only 8% reported having a formal, written employment contract.<sup>73</sup> Where employment contracts exist, they are often limited in scope. According to the report, most contracts include provisions governing responsibility, schedule, number of hours to be worked, and wage.<sup>74</sup> However, 78% of contracts did not require that employers pay workers for scheduled hours that were no longer needed, 87% of contracts did not cover job-related medical expenses and more than 75% of contracts did not provide paid sick leave, vacation time or holidays.<sup>75</sup> While employment contracts can ensure basic benefits and protections in the

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<sup>70</sup> Field Notes “Interview with Domestic Worker”

<sup>71</sup> Field Notes “Interview with Domestic Worker”

<sup>72</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work", 18

<sup>73</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work", 18

<sup>74</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work", 26

<sup>75</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work", 26

workplace, a contract alone does not always guarantee that workplace violations will not occur. Of those surveyed with contracts, the majority of domestic workers revealed that their employers did not accurately maintain records of their schedules or overtime hours worked, thus disregarding their written agreement.<sup>76</sup>

The challenges in the domestic work sector are deeply felt in the immigrant community that makes up the majority of the sector. The experiences of the participant interviews noted here thus reflect a wider, urgently felt need for the domestic work sector to finally achieve the long-overdue protections, benefits, and recognition of value that it deserves. Despite the intersectional challenges faced - the mistreatment experienced in the workplace, the hostility, anger and fear that radiates from the society into which they are told to “assimilate,” and the way in which the government fails to provide public support offered to others - the immigrant domestic worker movement resists these forces and perseveres in cultivating its own future rooted in organizing power, communal support and solidarity.

#### Current Climate: Resilience in the Midst of a Year of Catastrophe

“Like everyone else, I am a human being, and I feel that I should be respected as a person. And as a person who [works] in the house, I deserve respect.”<sup>77</sup> A seemingly unambiguous statement from one immigrant domestic worker interviewed in this research project, and yet this sentiment simultaneously reveals the historic complexities of the domestic work sector and is the foundational rallying cry of the domestic worker rights movement of today. The charge of the movement summed up in short is that that domestic workers demand that their work be valued.

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<sup>76</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work", 26

<sup>77</sup> Field Notes “Interview with Domestic Worker” 6 August 2020

This research paper uncovers why such an ostensible, simple appeal has yielded blood, sweat and tears from generations of domestic worker organizers, and remains unanswered to this day. As described in earlier sections in the paper, domestic work has been systematically devalued in the United States due to racialized and gendered exclusion from formal legal protections. While the literature reviewed in this research is critical to understanding why domestic work remains exploited, excluded and undervalued, the state of domestic work and the experience of domestic workers and their employers cannot be limited to theoretical discourse. On a daily basis, domestic workers face the real-time consequences of the failures of the sector on levels detrimental to their finances, their families, their physical and mental health, and their spirit. These experiences must be heard and the implications of failed policies and continually denied protections must be recognized. This is why a change is needed now more than ever. *“Because if not now, when?”*<sup>78</sup>

As described in this research paper, the domestic worker rights movement has been a ceaseless uphill battle against governing bodies that fail to recognize the value of the work. However, the 2020–21 era has produced several unprecedented events, such as the deadly wildfires ravaging the state of California and the global spread of the COVID-19 virus that has had severe health and fiscal implications. Another notable event was the political upheaval and violence that occurred during the 2016–2020 presidential administration, a presidency that notoriously promoted anti-immigrant sentiment and punitive policies directed towards migrant communities.<sup>79</sup> All of these factors have presented even greater challenges to the domestic

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<sup>78</sup> Field notes, “Domestic Workers and People with Disabilities: Organizing for Safety and Health in the context of COVID-19, Wildfires and Power Shutoffs Webinar” 11 April 2020

<sup>79</sup> Gary Reich, Hitting a Wall? The Trump Administration Meets Immigration Federalism, *Publius: The Journal of Federalism*, Volume 48, Issue 3, Summer 2018

worker rights movement, and those involved in the organizing efforts have had to make strategic pivots and changes in response.

The legislative campaign to instate a paid time off program in San Francisco led by the CDWC and supported by Hand in Hand is one example of the calculated shifts that have been made in response to the many challenges of 2020-21. When this campaign first launched in spring 2020, its aim was to enact a second iteration of the Domestic Worker Bill of Rights in San Francisco. The campaign also sought to provide a portable benefits system and a local council composed of government officials, domestic workers and employers to oversee its enforcement. However, when the COVID-19 pandemic first hit the United States, and cities like San Francisco had to respond by drastically shifting budget priorities, the campaign adjusted its goals and outcome expectations. Instead of instating a Domestic Worker Bill of Rights, the campaign reduced its scope to focus on a smaller yet equally important goal of ensuring paid time off for domestic workers in San Francisco.

An opening remark at one organizing meeting held in August 2020 reflects the many traumas experienced throughout 2020, and the adjustments that the CDWC, Hand in Hand and their allies have had to make in their campaigns. The meeting began with the director and lead organizer of the CDWC, Kimberly Alvarenga, asking the group of thirty participants to take a moment of silence after notifying us that “we lost yet another domestic worker and campaign organizer to COVID-19.”<sup>80</sup> She then went on to explain why the campaign was taking a new direction:

You all know that we are in middle of pandemic of COVID-19. This has had an impact on families, communities, and you all that work in the domestic industry. Part of the context of the change in our campaign is the economic impact that COVID has had on our [organizing] base. Not only in the work of taking care of children and elders- but there has been impact on employers as well. There are many challenges that employers

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<sup>80</sup> Field notes, “CDWC Campaign General Meeting” 14 August 2020

are facing in maintaining that they are protected and cared for, as they are also very vulnerable to COVID-19 and the current environment... All of that has had impact on our capacity. *But we have moved forward. In the middle of all of the chaos, we are going to push domestic worker rights forward.*<sup>81</sup>

Although in that very moment the group realized that months of hard work, planning, engaging in virtual campaign activities and making legislative calls was now futile and a new campaign was about to be re-built, the energy in the virtual room was entirely positive. Signs of excitement for the new campaign were shown in the “thumbs up” and “clapping hand” signals that Zoom users can employ to engage virtually with participants on any given call. Kimberly asked everyone to go off of mute and audibly shout: “*sí se puede! / we can do this!*”. This response was very telling that this was not the first time that immigrant domestic worker organizers and their allies had experienced a setback in the movement to advance household workplace rights. However, despite the relentless denial of basic protections, immigrant domestic workers continue to use the limited free time they have outside of their work and caring for their family to persist in organizing for a better future in the household workplace.

Immigrant domestic workers and employers organized by groups like the California Domestic Workers Coalition and Hand in Hand are well aware of the importance of taking the lead from immigrant communities in the movement to advance rights in the household workplace. The sector is historically considered “un-organizable,”<sup>82</sup> as their constituency is made up of the very people from which both formal workplaces and unions have turned away: immigrant women of color. Domestic worker organizers and their allies in the movement recognize that an analysis of race, culture, ethnicity, nation and gender must be integrated into

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<sup>81</sup> Field notes, “CDWC Campaign General Meeting” 14 August 2020

<sup>82</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” 3

their strategies.<sup>83</sup> The coalition meetings that are held in four or more languages,<sup>84</sup> and the multilingual chants that lead the campaigns and protests are evidence that the immigrant lens and exchange of culture, language and ethnicity are necessary elements in the domestic worker rights movement's bonds of solidarity and organizing success.

The strength, power and resilience of immigrant domestic worker organizers is not only an evident characteristic of the domestic workers rights movement, but it is a necessary ingredient address the ways that this country has deliberately undervalued and failed an entire workforce of people, and to bring lasting change to the household workplace. As one immigrant domestic worker interviewee stated: "Through our power, we can really change the things we don't like. And we can turn things around"<sup>85</sup>

The power of immigrant domestic workers is a necessary force in leading and achieving the calls of the domestic workers rights movement. However, employers of domestic workers also are responsible for cultivating a better environment in the household workplace. While it is clear that many employers have played a large role in creating inequities in the domestic work sector, the following sections will examine the various ways that a growing force of employers are recognizing the urgent need for change and are acting in solidarity with their employees to achieve a more just and mutually-beneficial household workplace.

## **Chapter 2: Domestic Worker Employers: Setbacks and Solidarity in the Workplace**

### Work that Makes all Other Work Possible

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<sup>83</sup> Nadasen, Premilla, and Tiffany Williams. "New Feminist Solutions: Valuing Domestic Work ." 9

<sup>84</sup> Field Notes "California Domestic Workers Coalition Organizing Meeting" June 2020

<sup>85</sup> Field Notes "Interview with Domestic Worker" 30 May 2020



“To be frank, without [the nanny we employ], my husband and I would not be able to manage between childcare and our full-time jobs.”<sup>86</sup> To reiterate the official slogan of the National Domestic Workers Alliance: *domestic work is work that makes all other work possible*. This is not a hyperbolic statement: all employer interviewees shared that the work of their household employees is integral to the maintenance of their day-to-day routine, their relationship with their family members, and their physical and mental health. As noted throughout this paper, the belief that domestic work makes all other work possible is particularly poignant in the era of 2020-21, in which the COVID-19 pandemic has swept the globe and uprooted “normal” life as it once was known. However, while it is only arguably due to the events of 2020-21 that the conversation around the importance of household work has been elevated to a public platform, this notion is not new to the employers interviewed in this project. One employer interviewee described her thoughts on why it has taken so long for the work to be recognized with the value that it deserves:

I think because it is work that is done by immigrant workers- women of color in particular- that it is work that is devalued. ... As the slogan of the domestic worker rights movement states: “*Domestic work is the work that makes all other work possible*, and that is finally in conversation now, due to the pandemic. People are realizing that you can’t have the economy running without childcare. It’s ridiculous that it’s taken the pandemic to make people talk about that. It’s not shocking to anyone who’s a parent, to mothers especially. If you are not valuing [domestic workers], and making sure that the industry is taken care of, then nothing else can happen. So [domestic work] really should be valued as high as any other thing in society.”<sup>87</sup>

In many ways, the opinion shared here is correct; maintaining the United States economy necessitates domestic work. The United States does not explicitly track the contribution of domestic labor to the GDP, aside from letting it fall into the “other services”

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<sup>86</sup> Field Notes “Interview with Domestic Worker Employer” 23 July 2020

<sup>87</sup> Field Notes “Interview with Domestic Worker Employer” 7 July 2020

category,”<sup>88</sup> underscoring how this country consciously makes this work invisible. While the value of domestic labor is not fiscally tracked in a systemized way, growing research finds that the actual value of domestic labor globally is about \$10 trillion.<sup>89</sup> Fiscally tracked or not, the value of domestic work is evident to the employers interviewed in this project.

The employers of domestic workers interviewed in this project all carry vastly different backgrounds, professional occupations and origin stories to their relationship to domestic work and the domestic worker rights movement. However, they all shared similar sentiments with regard to the impact that domestic workers have on their lives. When the interviewees described their experiences of entering into parenthood, as a full-time working parent, or as a busy member in the community with not enough time to take care of their household, they could not overstate the necessity of the professional work that the domestic workers they employ provide in caring for their families and households. With the occasional tear slipping from her eyes, one employer interviewee painted a detailed picture of the impact that her household employee has in her life:

The way I feel when I come home after I know that [our employee] has been working, and to see it in a state that I can never get it to is just such a peaceful moment. I work long days and when she walks in at 7:00 in the morning and [the house] is in a state of chaos... within a minute, there is so much calm in the air. She creates calm out of utter chaos. That’s a blessing for a working mom, it doesn’t get any better than that... when you are at work and you’ve left your children some place, to have that peace of mind- to know they are not only being cared for, but being cared for *lovingly*- you can do your work. You can get your work done.... because you know that your children are okay. *And why would we not honor that contribution, that effort, and that skill? Why would we not raise that up?*<sup>90</sup>

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<sup>88</sup> “Contributions to U.S Gross Domestic Product (GDP): Selected Industries” United States Department of Transportation. Accessed February 21, 2021.

<sup>89</sup> Woetzel, Jonathan et al. “How Advancing Women's Equality Can Add \$12 Trillion to Global Growth.” McKinsey & Company. McKinsey & Company, September 16, 2020. <https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth#>.

<sup>90</sup> Field Notes “Interview with Domestic Worker Employer” 3 June 2020

The issues long embedded in the domestic work sector - low wages, few benefits, and non-standardized practices, among others - are irrefutably felt most directly by domestic workers. However, for individual employers of domestic workers that genuinely want to implement fair employment practices in their household, which is the sentiment felt by all employers interviewed in this project, the historic and systematic informalization of the domestic work sector raises challenges felt on their end as well. The difficulties implicit in managing a household as parents and often full-time workers, while simultaneously maintaining a proper relationship with their household employees, were described by the employer interviewees.

Employers organized by the domestic worker rights movement are not only acutely aware of the value that domestic work provides to their own lives, but they also recognize the challenges that domestic workers continually face due to factors of race, gender, class, and citizenship status. It is not lost on them that the informal and precarious nature of the sector is purposefully maintained due to these factors, and as argued in this section, produces adverse consequences felt on both employee and employer end. The next section will explain these challenges more in-depth, and how employers attempt to navigate these issues while simultaneously maintaining a positive and mutually-beneficial relationship with their employees.

### The Trials and Errors in Fair Employment

The initial hypothesis that guided this research project was that the precarity of the domestic work sector is in large part influenced by employers taking advantage of the informal nature of the sector, and thus directly contributing to the exploitation of domestic workers. However, after collaborating with the nation-wide organizing network of thousands of employers that are fighting for better workplace conditions alongside their employees, and speaking directly with some of the organizing-involved employers, it is clear that many employers are categorially

invested in improving the domestic work sector but yet encounter obstacles in implementing fair employment practices. Standardized and publically funded support that governing bodies refuse to enforce in the sector, as seen in the active exclusion of the work from New Deal Era policies and more recently in Governor Gavin’s Newsom’s veto of SB1257 Health and Safety Workers Act, produces harmful consequences experienced by both workers and employers. To this point, one employer interviewee explained that:

It is very difficult for many employers to pay their employees fairly, when they don’t make enough money themselves. You want them to have sick pay, time off, health care, vacation, disability insurance and so on. Those in the top 5% or 10% of income are able to pay that, but most people can’t. And the others- pre COVID-19- are not able to give up their own [time off] to pay their employees those extra benefits. So, it’s partly people that can’t do it and don’t have the income, and partly those that can’t give up luxuries.<sup>91</sup>

In many ways, this perspective does reflect the reality of domestic work employment.

The average employer household income varies considerably. In California, 44% are considered to fall in lower-income households, with 27% in “extremely low income” brackets, 14% in “very low income” brackets, and 8% in “low income” brackets. Twenty percent are considered to make moderate income levels, and 31% are considered “high-income”.<sup>92</sup> Furthermore, half of employers of domestic workers in this state are currently working, 15% are not working due to a disability or unemployment, and 34% are retired.<sup>93</sup> Of those working, half are in what are considered to be “frontline jobs,” such as in offices, service work, and construction.<sup>94</sup> Thus, without the support of government-funded public support systems and enforced standardized practices, employers of domestic workers who may be struggling to make ends meet on their

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<sup>91</sup> Field Notes “Interview with Domestic Worker Employer” 5 May 2020

<sup>92</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 22

<sup>93</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 22

<sup>94</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 22

own face understandable challenges in providing benefits like health care, hazard pay and paid time off to their employees.

The benefits that come with a typical occupation in regulated workplaces, such as a contract that includes health care benefits, paid time off accrual, and other usual workplace protections are not standardized or overseen by governing bodies in the domestic work sector. Many new working parents have to quickly learn how to care for their new children while simultaneously caring for those whom they employ. One employer interviewee described the challenges she experienced when she first began to employ a nanny in her household:

But then when I [hired a nanny] I knew there were things I could do more work on and I needed to improve be more clear- more adequately articulating expectations, or time off- we always paid for time off that [our nanny] needed... but never enumerated things or had a contract. When I did create a contract... I realized the need to be upfront and straightforward and have these dialogues about talking about wage- are we paying you the right wage? Even with that, increases [in pay] were arbitrary or random, there were no schedules. I always felt uncomfortable, I didn't know if we were doing this right, doing all of these things right as employers of somebody else. We had no idea what we were doing, and yet her livelihood depended on that fact of us knowing or not knowing what to do... and here is a professional- someone that is in between my age and my mother's age, who was already a grandmother, that has already cared for a dozen other children over the previous 20+ years, and I was making things up.<sup>95</sup>

In a typical workforce, when an employer hires a worker, they set specific conditions for hours, pay and sometimes benefits. In most industries, there are clear standards to follow in setting these conditions. The domestic work industry, however, lacks many standardized procedures common to other workplaces. In California, two-thirds of employers report that they set the terms of employment with their domestic worker employees, and half of employers report that they devise the terms themselves due to lack of apparent resources.<sup>96</sup> Contracts benefit employers and employees alike. In the absence of effective laws governing employment

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<sup>95</sup> Field Notes "Interview with Domestic Worker Employer" 3 June 2020

<sup>96</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 26

relations in the household workplace, contracts can act as the primary way that workers and employers can ensure that employment standards and rights are being upheld.

Moreover, for all of the employers interviewed in this project, their first contact with the domestic work sector was when they first entered into parenthood.<sup>97</sup> Parenting presents its own host of challenges, and in particular for those who have to continue working full-time soon after they welcome their children into the world. This is the case for the majority of working parents in the United States, due to the country ranking low in comparison to other industrialized nations in financing publicly-funded childcare and offering extended, funded maternity and parental leave.<sup>98</sup> Thus, the decision to hire a child care worker can provide immense relief, but also great stress, as it is the first time for many entering into a phase of life as a full-time working parent while simultaneously managing an employee's livelihood.

The lack of standard practices in the domestic work industry creates real dilemmas for both employees and employers. Moreover, to date there are few resources that explain the practicalities of how to implement and enforce fair practices in the household workplace. When asked what is needed to be a fair employer of domestic workers, the employer interviewees overwhelmingly described a need for standardized policies accompanied by educational resources.<sup>99</sup> According to the interviewees, these resources would lead to not only a clear understanding of the importance of fair practices, but how exactly to implement them as well. This last piece described in the interviews- the issue of enforcement- is a key factor in the challenges present in the domestic work sector.

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<sup>97</sup> Field Notes "Interviews with Domestic Worker Employer"

<sup>98</sup> Labor Center, UCLA. "Profile, Practices And Needs Of California's Domestic Work Employers". *UCLA Labor Center*, 40

<sup>99</sup> Field Notes "Interview with Domestic Worker Employer"

As explained in the participants section, the employers interviewed in this project have had some involvement in the organizing efforts within the domestic workers right movements to change state-wide and nation-wide policies. However, as discussed in the following section, policy change will do nothing if contained in a vacuum. New legislation must be accompanied by an enforcement mechanism, and must instill a lasting culture shift to the employment practices in the household.

#### Policy Wins Without Enforcement: Evaded Accountability in the Household Workplace

Over the last few decades, the domestic work sector has gradually improved as a direct result of the progressive outcomes from the legislative campaigns led by immigrant domestic workers and employers organized in the domestic worker rights movement. It is clear, however, that domestic workers have not yet achieved the protections and benefits in the workplace that they deserve. Part of the reason the domestic work sector has not seen comprehensive change despite some legislative wins is the lack of enforcement mechanisms that accompanies enacted policies.<sup>100</sup> Enforcement in the domestic work sector is challenging, particularly in the case of individual employers of domestic workers. Any home can be a workplace, but there is no reliable system to track it.<sup>101</sup> Moreover, the majority of employers prefer to maintain their home as a private entity free of government actors performing inspections<sup>102</sup>. This is particularly important for employers who acknowledge their immigrant employees' desire to limit interaction with the government in the current political climate of widespread mistrust towards authoritative bodies

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<sup>100</sup> Burnham, Linda, and Nik Theodore. "Home Economics: The Invisible And Unregulated World Of Domestic Work", 21

<sup>101</sup> Kashen, Julie et al. "Domestic Workers Bill: A Model for Tomorrow's Workforce." The Century Foundation, February 12, 2020. <https://tcf.org/content/report/domestic-workers-bill-a-model-for-tomorrows-workforce/?session=1>.

<sup>102</sup> Kashen, Julie et al. "Domestic Workers Bill: A Model for Tomorrow's Workforce." The Century Foundation, February 12, 2020.

within immigrant communities. Several of the employer interviewees explained the issue of enforcement that they experience in their household:

I do think policy change is really necessary, for all obvious reasons, and I also think from state wide bills that have passed, policy is nothing without enforcement. And enforcement has always been really complex. And especially so after Trump was elected. ... I was at a meeting right after Trump was elected with the California Domestic Workers Coalition, which at the time Hand in Hand was the only non-domestic worker organization that was a core member, and a lot of the meeting was focused on the topic that domestic workers are not going to be able to speak up about wages, and how they need overtime, when the main issue is the threat of deportation and having employers call ICE on them. [CDWC] told us that as employers, ‘you all need to educate other employers so that enforcement [of workplace rights can happen from the employer side and it is not dependent on vulnerable workers not being able to speak up for their rights’.<sup>103</sup>

The enforcement of fair practices in the household workplace are not only important for the maintenance of worker health, safety, and livelihood, but also of their immigration status and protection from deportation. As stated in earlier sections, immigrants make up the majority of the domestic work industry in the United States, and this figure is thought to be an underestimation due to the challenges of tracking the undocumented workforce.<sup>104</sup> Many employers of domestic workers thus face unique complications regarding the potentially vulnerable immigration status of their employees. This has been particularly challenging in the 2016 – 2020 period, when the presidential administration in office increased workplace and home Immigration Customs Enforcement raids.<sup>105</sup> Employers therefore have the complex task of enforcing certain workplace policies while being careful not to jeopardize the status of their employees.

When asked about if and how they navigated this situation, the employer interviewees described varying experiences:

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<sup>103</sup> Field Notes “Interview with Domestic Worker Employer” 1 June 2020

<sup>104</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 9

<sup>105</sup> Reich, Gary, “Hitting a Wall? The Trump Administration Meets Immigration Federalism”



After the 2016 election... at the time, I was recognizing that I'm an employer and want to be a just employer, but then it became more about recognizing who is this other person I am employing, and the specifics around the community of women who tend to be nannies. It's not even just that we are hiring domestic workers- people working in our homes- but we are also hiring women that tend to be women of color and immigrants. That was the next level of awareness, and again something that should have been there from the beginning... but it took to the 2016 election to realize that this is a community that is now really being targeted. To raise the level of awareness. I was somewhat devastated when Trump was elected- but in all honesty, as a white woman living in brownstone Brooklyn, was I being personally targeted? No, I wasn't. But having this strong connection to someone who was taking care of my children- if she was being targeted or someone in her community being targeted- it became that much more real. And Hand in Hand became an outlet to fight against some of the things that were happening in the last administration, that felt like they were targeting the community of women who were traveling to work in our neighborhoods and homes, it was sort of an outlet for that.

The issue described here is felt by many employers of domestic workers, and will continue to be present in the sector despite the transition in presidential office in 2020. The challenge is understandably complex to navigate, as there are very few resources available to help mitigate a situation that can result in the threat of safety and possible deportation of an employee. However, in some cases, the employer interviewees did not find the element of immigration status as a notable factor in their relationship with their employee. As one interview participant who was raised in an immigrant family herself described,

To be honest, [after many years of working with her] up until a year or so ago- I didn't know that she was undocumented. At that point, it didn't even matter.<sup>106</sup>

While the naiveté of this particular employer did not lead to any negative consequences, it is imperative that employers of domestic workers be aware of potential threats to their employees, and the actions they can take to ensure they are being safeguarded.

This fear, uncertainty and urgent need for methods to address this issue is how the "Sanctuary Home" campaign was crafted by Hand in Hand in 2016. Cities like San Francisco

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<sup>106</sup> Field Notes "Interview with Domestic Worker Employer" 17 September 2020

have long been considered as a “Sanctuary Cities,” born out of the movement led in the 1980s and 1990s in response to a growing number of migrants fleeing from Central America causing concern from both anti-immigrant legislators and sympathizing activists.<sup>107</sup> A prominent example of the role that governance played in aiding this movement, San Francisco’s regional sanctuary movement was born out of such alliances with key municipal officials, providing venues from which the movement could amplify the voices of immigrants and counter the discourse and policing practices of the Immigration and Naturalization Service Agency.<sup>108</sup> Through the work of grassroots leaders and city officials alike, the movement thus took on a strategic, “art of government” approach that effectively institutionalized sanctuary as a framework towards governing a mixed-status city population.<sup>109</sup>

In recognizing the slow-pace and at times active refusal of legislators to bring needed protections to the household workplace, and in contrast to the governance-involved approach of the Sanctuary City movement, Hand in Hand’s “Sanctuary Home” campaign took a different tactic in relying on a culture-change based framework. The campaign aimed to encourage employers to start having conversations with their employees about the politically-charged election of 2016, finding and sharing legal resources related to immigration and deportation, and offering safe rides home from work.<sup>110</sup> In this way, the campaign spread a narrative that employers could create a safe and welcoming workplace that could serve as a “sanctuary” to their immigrant employees. One employer interviewee commented on their experience with the “Sanctuary Home” campaign,

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<sup>107</sup> Mancina, Peter “The birth of a sanctuary-city: A history of governmental sanctuary in San Francisco” *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements* (1st ed.). Routledge 2012

<sup>108</sup> Mancina, Peter “The birth of a sanctuary-city: A history of governmental sanctuary in San Francisco” 205

<sup>109</sup> Mancina, Peter “The birth of a sanctuary-city: A history of governmental sanctuary in San Francisco” 206

<sup>110</sup> Chang, Clio. “Donald Trump and the Rise of the ‘Sanctuary Home’.” *The New Republic*. The New Republic , May 4, 2017. <https://newrepublic.com/article/142490/donald-trump-rise-sanctuary-home>.

What's unique about the domestic work sector- employers, through culture change work, can make IMMEDIATE change in their homes... They can change the material conditions for people working for them. Laws do not have to be passed. Someone can change their mind about what they are paying, in theory. That has created a profound sense of urgency and potential among those of us trying to organize around culture change for domestic employers.... I think that partly for Hand in Hand, what created more community cohesion and more motivation after the 2016 election and the crackdown on the immigrant community, was the emergence of "sanctuary home" campaign. That really pulled people, some of who were employers or had relationships with employers and wanted to support domestic workers, with more of a sense that we in the community need to show up to protect immigrants in general and immigrant domestic workers. That was another aspect of culture change that was meant to anchor advocacy and calls to the administration.<sup>111</sup>

In absence of government-enforced legislation and support systems, and in recognition of this country's anti-immigrant climate, campaigns rooted in education, solidarity, and culture-change like Hand in Hand's "Sanctuary Home" may be the approach needed to influence lasting changes in the domestic work sector. One employer interviewee commented on the movement's intersectional approach in bringing workers and employers alike from diverse backgrounds together in a shared struggle;

It's fascinating, [in Hand in Hand and the CDWC] when you think about climate change and the wildfires- that relates to domestic work. COVID relates to domestic work. It feels like this really specific fringe of society that touches on everything; health care, disability justice, immigrant justice... it's all very interrelated.... Are you concerned about feminism? Great, so are we... Racial justice? Immigrant justice? Climate justice? Great, us too. [Hand in Hand and the CDWC] is at the intersection of all of these key issues. So it feels like a really good way to organize in that way.<sup>112</sup>

Even as employers involved in the domestic workers rights movement learn these intersectional organizing strategies and the tools needed to protect their employee, it is indisputable that the domestic work sector in its current form is not beneficial to domestic workers nor employers. This paper takes the position that a complete overhaul of the systems that govern the United States must take place to bring to fruition the demands the domestic

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<sup>111</sup> Field Notes "Interview with Domestic Worker Employer" 3 May 2020

<sup>112</sup> Field Notes "Interview with Domestic Worker Employer" 1 June 2020

workers have been voicing for decades. Through examining the perspectives of immigrant domestic workers and organizing-involved employers interviewed in this project, the following section will explore how a future of justice and solidarity in the household can be at long-last achieved.

### **Chapter 3: Solidarity and Care for the Caring Economy.**

#### Envisioning a Secure and Just Future in the Household Workplace

As life expectancy increases and the population ages, and as more women enter the workforce, the need for care work is increasing in the United States.<sup>113</sup> This demand for domestic labor, in particular the demand for migrant domestic workers, necessitates the creation of immigration and labor policies that acknowledge the unique nature and value of care work. However, as explained in the previous section, new legislation will fall short if unaccompanied by an enforcement mechanism. This paper takes this argument a step further, speculating that even with an enforcement mechanism, new policies will do nothing to advance the state of the household workplace if the present culture and systems that govern the United States remains unchanged. To ensure that immigrant domestic workers are cared for in and outside of the workplace, sweeping systemic and cultural change must occur at a public and national level.

Many critical theorists, academics and activists argue that the current state of our world is not meeting the needs of the majority of our communities<sup>114</sup>. This is expressly true for communities that have been made vulnerable to institutionalized racism, the growing wealth divide exacerbated by processes of globalization and neoliberalism, and the increasingly alarming resistance to any progressive change that presents a threat to our hegemonic systems-

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<sup>113</sup> Nadasen, Premilla, and Tiffany Williams. "New Feminist Solutions: Valuing Domestic Work ." *Barnard Center for Research on Women* 5 (January 2011).

<sup>114</sup> Engster, Daniel. "Rethinking Care Theory: The Practice of Caring and the Obligation to Care." *Hypatia* 20, no. 3 (2005): 50-74. Accessed April 17, 2021 <http://www.jstor.org/stable/3811114>.

such as the anti-immigrant sentiment that is particularly potent in the United States.

Communities most impacted by these heightened intersecting issues and their allies have taken to a practice of “radical–re-imagination”, which broadly defined refers to the

practice of creating purposeful and positive spaces and times for imagining together, and for debating and refining shared visions of the past, present and future.<sup>115</sup>

Practicing radical imagination is a critical tool for building movements to transition away from a renegade system of capitalism that is rooted in racism, sexism, and the illegalization of migration.<sup>116</sup> The practice creates a space for collective imagining, debating, and refining visions, and calls for a reexamination of all societal systems to ask: *what does a truly just, equitable and restorative society look like?* In the domestic worker rights movement, immigrant domestic workers and employers have more specifically asked: *how can we cultivate a future in which we care for those who care for everyone? And what is needed to reach that future?*

The interviews conducted in this research asked these questions of organizing-involved immigrant domestic workers and employers of domestic workers. Their responses varied, but their underlying perspectives demonstrate the dual implications of the domestic worker rights movement. On a practical level, domestic workers and employers organizing in the movement recognize that in order to reach a just future in the domestic work sector, the legislative campaigns that they work on must continue to be pushed forward and won. However, they also recognize that relying solely on legislative solutions does not address the core problems of the industry, such as discrimination, animosity towards immigrants, and systemic devaluing of care work. Immigrant domestic workers and employer who are active organizers with groups like

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<sup>115</sup> Khasnabish, Alex, and Max Haiven. “Lessons From Social Movements: Six Notes on the Radical Imagination.” Truthout. Truthout, August 9, 2014. <https://truthout.org/articles/lessons-from-social-movements-six-notes-on-the-radical-imagination/>.

<sup>116</sup> Khasnabish, Alex, and Max Haiven. “Lessons From Social Movements: Six Notes on the Radical Imagination.”

Hand in Hand and the CDWC understand the necessity of both elements- legislative wins and cultural shifts- in achieving a protected and dignified industry. The organizing that these group engage in on a local and national level thus strategizes not only to implement new labor policies and standardized labor practices, but to transform narratives around immigrant domestic workers and the value of homecare work.

The sections that follow underscore this broad vision by drawing upon the viewpoint of the immigrant domestic workers and employer interviewees. In particular, the cultural attitudes towards domestic work that the movement aims to transform will be examined from the perspective of how employers can engage in this work on a personal level. The more complex and broader strategies towards shifting the perception and reception of immigrant communities, and restructuring economic and social systems to support such communities, are supported by two key principles from the social solidarity economy framework offered by Manuel Pastor and Chris Brenner with the USC Equity Research Institute. The twelve-step framework builds on the long-discussed concept of “solidarity economics”, and takes into consideration the economic benefits of connection, community and belonging, centers race and power in shifting intuitions, and makes clear importance of working alongside organizers to inform narrative and policies.<sup>117</sup>The framework specifically outlines how to transition from inequality to solidarity in the state of California, and posits that

An inclusive and prosperous California economy would value innovation and invention, security and solidarity, connection and community. It would promote innovation to support growth, deepen ties between people and places, and offer security and stability for communities and the planet. It would place equity at the center, expanding opportunities for more broadly shared prosperity and put those facing the greatest barriers first.<sup>118</sup>

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<sup>117</sup> “Equity Research Institute- Data and Analysis to Power Social Change.” USC University of Southern California , April 2020. <https://dornsife.usc.edu/eri/solidarity-economics/>.

<sup>118</sup> An inclusive and prosperous California economy would value innovation and invention, security and solidarity, connection and community 26

Of the twelve tenants, most relevant to this research are the principles, “embrace and integrate Immigrant California”, and “care for the caring economy”. These principles are introduced in the following sections to propose one avenue by which the domestic worker rights movement’s radical call for a re-imagination of policy and cultural changes can be achieved.

### Culture Shifts Begin in the Self: Employers Accepting Their Positionality

When asked what is needed to transform the narrative around domestic work and the value that it provides, one immigrant domestic worker shared:

I think the change in culture will come when there is a change in ourselves. We need to.... show that we are not just common workers but professionals- we have skills that not everyone has. I should be treated like a worker with dignity and given greater respect.<sup>119</sup>

The sentiment shared here reflects the way that domestic work is culturally understood as unprofessional labor, and work that can be done by anyone.<sup>120</sup> The labels attributed to domestic work throughout history, “women’s work” initially, and more recently as work that is often assigned to migrant women workers, has contributed to the gendered and racialized degradation of the value of the work.<sup>121</sup> Yet in reality, the skillset and professional demeanor required in the domestic work sector mirrors that of any other profession. Anyone entering into the domestic workforce must hold a particular set of skills to complete their jobs, and those who work to improve their skills raise their competitive chance at securing greater employment opportunities.<sup>122</sup> Establishing domestic work as “skilled work” through avenues such as creating a named career trajectory is one pathway to rectify how domestic work has been unjustly disregarded as low-skilled labor throughout history.<sup>123</sup> However, until such a pathway emerges in

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<sup>119</sup> Field Notes “Interview with Domestic Worker” 30 May 2020

<sup>120</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” 9

<sup>121</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” 7

<sup>122</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work .” 11

<sup>123</sup> Nadasen, Premilla, and Tiffany Williams. “New Feminist Solutions: Valuing Domestic Work 7

the sector, individual household employers must do their part to shift the culture of their household practices immediately so as to acknowledge the work in the professional caliber that it carries. In the perspective of this research, one way this can be achieved is by employers of domestic workers unpacking and accepting their positionality as employers. Employers of domestic workers must understand their responsibility of overseeing the livelihood of their employees, and of seeing their home as not only their own space to live, but as someone else's workplace.

“We did not see ourselves as employers,”<sup>124</sup> was a common reflection from the employers interviewed in this project. Indeed, the most distinct theme noted from the employer interviews is the discomfort with, or active resistance to, self-identification with the term “boss,” or even “employer.” The aversion to self-identify as an employer in part may contribute to the cultural issues embedded in the household workplace, and could be one of the root issues as to why improved workplace conditions are difficult to implement. The quotes that follow are just a few of the many sentiments shared in interviews that support this assumption:

“I do not consider myself as a boss and sometimes she refers to me as her boss, but I don't necessarily perceive myself as a boss and am not comfortable with that...”<sup>125</sup>

...

“In my own experience working in a union, we looked at employers in a certain way, and that we had to work in opposition to them in a way... then, after hiring someone to work in my own household, I realized wait *I'm* an employer! I didn't even realize it.”<sup>126</sup>

If those who employ others in their household to work in a professional capacity are uncomfortable or resistant to seeing themselves as “employers,” then without further examination of their individual practices it would be plausible to assume that their employees may not be receiving the benefits and treatment that they deserve. On the other hand, the

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<sup>124</sup> Field Notes “Interview with Domestic Worker Employer” 7 June 2020

<sup>125</sup> Field Notes “Interview with Domestic Worker Employer” 3 June 2020

<sup>126</sup> Field Notes “Interview with Domestic Worker Employer” 17 September 2020



discomfort with the language of “boss” may instead be due to the desire of many employers to build fluid and less hierarchically structured relationships with their employees. Some employer interviewees even commented on the way that they have regarded their relationship to domestic workers as similar to a “family relationship”.<sup>127</sup>

Regardless of whether the intentions of employers to abstain from labels in their relationship to their employees are benevolent or malevolent, an inherent imbalance of power intensified by differences in race, class and nationality can create a situation in which employers may have the ability to harm domestic workers, even if it is done unknowingly, by not granting them the labor rights they deserve. It is therefore vital that employers look past their discomfort with labels that they may deem inappropriate to incorporate into their households, and instead acknowledge the possible power differentials and lack of labor protections that may result if they do not. Employers must work to shift the common perception away from the understanding of their relationship with domestic workers as “family,” and toward recognizing them as employees with labor rights and themselves as employers with the responsibility to oversee those rights. One employer interviewee described how they have grappled with this tension, and have come to learn the importance of understanding their positionality as a boss in relationship to power dynamics with their domestic worker employee:

One day... I came home at the end of [our employee’s] work shift and heard her say “I got to go, my boss just got home.” At the time, I was so unhappy to hear the word “boss.” I was surprised by it, I didn’t like it, and I felt that I had worked really hard to establish what I hope was a comfortable kind of communication and openness with [her]. When she used the word- the formality of it and the obvious power embedded in the word “boss”- that was a wakeup call to me, about how much I had been unwilling to fully acknowledge the power I had, and that the lack of acknowledgment of it and resistance to the power of the relationship would undermine me taking full responsibility of it. After that, I think I was late on paying her on a Friday... had really excused myself on it, thinking I’m sure if we get it to her tomorrow it’s okay. And after that, as I was reflecting

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<sup>127</sup> Field Notes “Interview with Domestic Worker Employer” 3 June 2020

on my own reaction to the word [boss], and realized that casualness of being paid was a reflection on me on not being able to own and acknowledge the position. And that I was not adhering to the professional standards that she deserved.<sup>128</sup>

While the interview participants did describe an aversion to identifying as an employer, many have since overcome that conflict by actively engaging in learning around their employer-employee relationship, and its importance in creating a culture of recognizing domestic work as the professional, valuable work that it is. All employer interviewees attribute this shift in their understanding as directly related to their involvement in organizing within the domestic workers rights movement. In particular, several of the employer interviewees credit their changed perspective to a campaign that Hand in Hand leads called “My Home is Someone’s Workplace.” This ongoing campaign aims to spread educational resources and initiate workshops with employers of domestic workers about workplace practices that are required by law and how to develop just relationships with the people employed in their home.<sup>129</sup> Most importantly, the campaign attempts to shift the narrative around domestic work, and to have employers of domestic workers recognize the responsibility implicit in employing someone to work in their household. Employers organized in the domestic workers movement are therefore impacted by such campaigns on a personal level, and are influenced to honor domestic work as professional labor that deserves full workplace protections and benefits. This transformed cultural understanding of domestic work translates into the practical application of improved household practices.

For employers that are not organized in the domestic workers rights movement, it is arguably natural for them to regard their home as a private, safe place to raise their families, and

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<sup>128</sup> Field Notes “Interview with Domestic Worker Employer” 3 May 2020

<sup>129</sup>Hand in Hand et al “My Home is Someone’s Workplace: Re-envisioning Domestic Employment in New York State”. *Hand in Hand the Domestic Employers Network* 2017

not necessarily as a workplace. In the capital-dominant system that governs this country, the labor of domestic workers does not render durable “goods” or “consumer products,” nor does it contribute to “capital flow” or an “accumulation of profits” as in most other workspaces. Yet at the end of the day, when a child has been cared for, an elderly parent has been attended to, and an entire home has been maintained as clean and organized, the work of domestic workers supports and subsidizes all other productive work. The labor of domestic workers can no longer be rendered socially invisible. To finally provide the protections and benefits domestic workers deserve, individual employer must take accountability in changing the culture of their home to recognize the work in its deserved value. As one employer interviewee remarked:

It’s not just about us saying that the work of domestic workers “allows us to do our work”. It’s that, but it’s also about the fact that they are in our homes, and the homes are a workplace. So you need to think about it as- what does your home represent to you? We want to treat all workers and people that provide services with dignity and respect.<sup>130</sup>

A broad vision for dignified domestic work requires a new understanding of the industry on a cultural and structural level. Small and immediate shifts in how employers govern their households as workplaces as explained in the previous section would provide a pathway to a new understanding of domestic work. But what would have a greater, long-lasting impact are public and wide-scale cultural transformation of how immigrant workers and immigrant communities at large are received in this country. The next section will examine how such cultural shifts could be operationalized in practice.

### Culture Shifts in the Structure: Embracing Immigrant Domestic Workers

Envisioning a just future in the household workplace necessitates a new vision for embracing immigrant communities. To achieve this future, immigrants must be integrated members in society, have the tools and support they need for economic mobility, and be met with

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<sup>130</sup> Field Notes “Interview with Domestic Worker Employer” 17 September 2020

a warm and supportive welcome. This section will examine the ways in which shifting how immigrant communities are culturally perceived and received in this country would positively impact the domestic work industry. In the perspective of this research paper, one avenue through which these shifts could occur in the State of California specifically, would be through implementing the social and solidarity economy principle “embrace and integrate immigrant California.”

There is no future of California without immigrant communities. More than one quarter of the population in California is of immigrant background, and close to half of the children in the state have at least one immigrant parent.<sup>131</sup> Despite immigrant communities making up more than one-third of the state’s workforce,<sup>132</sup> and the economic boost as well as the communities rich in diversity and cultural exchange that are generated as a result, immigrants are still struggling in California. Immigrant-led households in California have a median household income that is significantly below that of U.S born-led households.<sup>133</sup> Temporary, non-contracted, and unprotected occupations geared towards the influx of migrant workers have created a culture in which workers are viewed as easily expendable and vulnerable to exploitation like wage theft.<sup>134</sup> These factors concurrently suggest the significance that status and citizenship carry in achieving financial success and societal integration, and that California’s rise in inequality is exacerbated by an imbalance of power in business, labor and

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<sup>131</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 70

<sup>132</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 71

<sup>133</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 71

<sup>134</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 73

community.<sup>135</sup> Addressing such race, class and citizenship status dynamics is key in achieving an economic and society where everyone thrives.

When reflecting on the better future they envision, one domestic worker employer described the importance of recognizing domestic workers, and immigrants in particular, for the value that they provide not only to this country's economy but to its communities at large:

I envision a future in which [Domestic work] is recognized as a skilled profession. So viewing homecare and childcare work as a profession that is worth of being well-paid, and treated as a really important role. And also understanding where that intersects with immigration.... that the government provide pathways to legalization for immigrants who come to do that work. We describe domestic work *as work that makes all other work possible*. So I would love to see our country acknowledge that, and .... providing rights and benefits that [immigrants] deserve in coming here.<sup>136</sup>

Employers involved in the domestic worker rights movement, having engaged in many years of coalition meetings and lobbying visits led by immigrant domestic workers, understand that domestic work- and the immigrant communities that lead the work- enables the production of all other work in this country. Organizing-involved employers therefore recognize what many influenced by the anti-immigrant culture of this country do not: immigrant communities create meaningful and lasting contributions to society. And yet these contributing members of society are continuously barred from achieving social and economic security. As such, the future of domestic work envisioned by the employer interviewee here is seemingly unambiguous, yet in reality profoundly complicated. In order to reach a just and secure future in the domestic work sector, a country that has historically barred immigrants access from attaining financial and social security, and has created a culture in which hostility towards immigrants runs rampant<sup>137</sup>, must recognize the value that immigrants provide to the economy and society at large. And not

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<sup>135</sup> Pastor, Manuel and Benner, Chris "From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy" 13

<sup>136</sup>Field Notes "Interview with Domestic Worker Employer" 7 June 2020

<sup>137</sup> Gary Reich, Hitting a Wall? The Trump Administration Meets Immigration Federalism 11

only that the value of immigrant-produced labor is recognized, but that their protections and rights as human beings in and outside of the workplace is ensured. Given the complications described, how do can we transform our culture to finally honor immigrant workers and immigrant communities as a whole?

The domestic worker movement not only calls for a transformation of how immigrant communities are received in this country, but direct economic and societal investment in such communities. In support of this call, the social solidarity framework offers a tangible path to the achievement of these demands, particularly in California. To promote the economic mobility for immigrants, the framework demand that workforce investment bodies develop plans that specifically include immigrant workers, that laws like the California Earned Income Tax Credit are changed to be more inclusive of immigrants, and that the rights of immigrant workers- especially those are prone to workplace exploitation like domestic workers- are reinforced.<sup>138</sup> To this last point, the framework in particular calls on the Labor Commissioner and California’s Division of Labor Standards Enforcement to be empowered to rigorously address wage theft. And finally, that “workers need to be able to assert their labor rights without fear of reprisal, detention, or deportation.”<sup>139</sup>

Regardless of how they may be operationalized in practice, the strategies offered by the social solidarity economy framework broadly recognize that inequality and social separation does not lead to prosperity. This framework complements the underlying current of the domestic workers movement: the belief that equity is fundamental to social and economic vitality. In the California envisioned by the power builders organized in social justice movements, it is

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<sup>138</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 75

<sup>139</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 38

collectively embraced that this state is diverse and that caring for each other for all of our multifaceted features is increasingly important. Domestic workers and organized employers leading the movement for a secure and just household workplace therefore understand that those who care for us must be cared for themselves.

### Radically Re-Imagining Care for the Caring Economy

The domestic worker rights movement is both a practical and imaginative endeavor. The policies and practices that have been implemented in the sector thus far, such as fair wage, benefits and working condition protections under the law, are a direct result of immigrant domestic workers and employers organizing have deep-rooted impacts. However, given that there are still many forms of insecurities existing in the sector, domestic workers, organizing-involved employers and their allies continue to join together to imagine a more just and restorative future.

The radical change that the domestic worker rights movement in part calls for is a new understanding of the workforce itself. On one level, the work that domestic workers engage in must be honored for the value that it provides. But even more critically, the movement demands recognition that immigrant domestic workers- care givers by profession- require care themselves. One employer interviewee remarked on the importance of acknowledging this;

I want to live in a really different society with free healthcare, and free child care for everyone, and people being able to have live in eldercare... without going bankrupt. And I think it will only happen when workers, employers and [wider society] are in conversation with each other. We must have conversations about the fact that domestic workers are also aging and needing elder care, that domestic workers also have children who need child care.<sup>140</sup>

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<sup>140</sup> <sup>140</sup> Field Notes “Interview with Domestic Worker Employer” 1 June 2020

The broader vision described here calls for a re-examining of the systems in place in this country- ranging from our health care to our child care support systems- and a desire to re-structure them from the ground up. This vision in part also calls for a cultural movement to strengthen the dialogue between domestic workers, employers and all, and to understand that domestic workers are also people that, just as much as anyone else, require health care, child care and other forms of public supports. Another domestic employer interviewee commented on the importance of recognizing domestic workers in full for the care that they are providing:

My hope would be for other current and future employers, to feel compelled to do everything within their power and resources to support care workers who are so essential to us being able to do our jobs. I hope for a more expansive set of actionable rights for care workers to live a dignified and supportive life, outside of being care givers. Which they cannot get if there aren't standards, change, and broader public understanding of what care givers provide. It's the non-quantifiable support that helps children thrive. And I think... the role that caregivers play in providing the environment and support that some families unfortunately get taken for granted. And if there were more recognition of that, then perhaps that would also compel fair pay and other fair practices. *Because our caregivers have lives outside of being caregivers.*<sup>141</sup>

It is a seemingly unambiguous concept that domestic workers require care themselves, and as stated here, “have lives outside of being caregivers.” It is clear however that this notion has a complex application in practice, as immigrant domestic workers continue to struggle to fully support themselves, their families and their communities. Due their deep personal relationships with their employees, the employer interviewees appear to be acutely aware that, in most cases, domestic workers are not having their basic needs met on a daily basis. The employer interviewees also credit this level of consciousness to their involvement in organizing with Hand in Hand. To this end, several of the employer interviewees explained that when they collaborate in organizing meetings or in the lobbying of their elected officials, they have had the opportunity to listen to hours of personal testimonies from immigrant domestic workers.

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<sup>141</sup> Field Notes “Interview with Domestic Worker Employer” 23 July 2020



Through providing their stories and experiences in a public platform, immigrant domestic workers are able to express that the poor working conditions they face in the workplace often translate to a plethora of issues felt on many levels within their families and communities. Domestic workers have their own children, elderly parents, communities, and selves to care for, and yet they are not able to easily meet these needs due to the many insecurities imbedded in their occupation. Employer and allies organized in the domestic worker rights movement understand this on a clear level. Academics in care-theory have argued that we should care for others in need when we are able to do so because:

We have implicitly demanded and continue to demand care from others for our own survival and development and the reproduction of society, and because denying others the care they need deprives them of the support necessary to survive and achieve the basic well-being that we all implicitly recognize as good.<sup>142</sup>

But how do we enable and distribute care to everyone within a system that is capital-driven, individually-focused and seeped in anti-immigrant conviction, and is thus a system that is not designed for generating economic and social solidarity?

The twelve-step social solidarity economy framework outlined by Pastor and Brenner creates a pathway to achieving a future in which everyone is cared for, specifically in the site of the domestic workforce within California. Step two, “care for the caring economy”, underscores

the ways that the intersections of race, gender, immigration status, and caretaking status make care workers especially susceptible to discrimination, poverty and sexual and other forms of harassment.<sup>143</sup>

By 2060 in California, 26% of those living in the state will be 65 years or older.<sup>144</sup> Pastor and Brenner argue that this demographic change should lift up the importance of caring for the

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<sup>142</sup> Engster, Daniel. "Rethinking Care Theory: The Practice of Caring and the Obligation to Care." 4

<sup>143</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 39

<sup>144</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 38

elderly, but the “caring economy” is also comprised of child care provides, home cleaners and all other domestic workers that allow other workers to stay focused on their jobs while knowing that their homes and loved ones are being cared for. However, as explained throughout this paper, the caring economy is a major source of stress and income insecurity to those who work within it. A truly caring economy, as outlined by the solidarity economy framework, should create conditions in which those who engage in care work are cared for themselves. To this end, the framework calls for heightened professional standards and increased wages to improve the quality of care and livelihood for domestic workers, to pass fair workweek legislation, to expand paid sick days, and to implement the Domestic Worker Bill of Rights in California and at a national level.<sup>145</sup>

In some ways, to achieve the future that the domestic worker rights movement and the social solidarity economy envisions- a future in which care workers are cared for- would require a radical restructuring of the current cultural, legal and economic systems that govern this country. However, the strategies outlined by Pastor and Brenner, and the sentiments shared by the immigrant domestic workers and employers of domestic workers interviewed in this project, are compelling and tangible. As one employer interviewed shared, the future that the domestic worker rights movement envisions is ultimately simple: “a future in which the [domestic work] sector is valued equally to the value it is providing.”<sup>146</sup>

The steps outlined in the social solidarity economy, “embracing immigrant communities” and “caring for the caring economy”, certainly offers a pathway towards achieving the aspirations of the domestic worker rights movement. Until this conversation is ready to be had at a public, national level, immediate change is called on by coalitions of immigrant

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<sup>145</sup> Pastor, Manuel and Benner, Chris “From Resistance to Renewal: A 12-Step Program for Innovation and Inclusion in the California Economy” 41

<sup>146</sup> <sup>146</sup> Field Notes “Interview with Domestic Worker Employer” 17 July 2020

domestic workers leading campaigns such as the San Francisco paid time off ordinance. The demands of the CDWC-led campaign, along with the central findings of this research, are restated in the concluding section that follows.

## **V. Conclusion**

Over the past several decades in the United States, immigrant domestic workers have built a movement that transcends differences in cultural identities, legal status and national origin with the objective to achieve safe and equitable workplace conditions for some of the country's most vulnerable workers. Through reviewing relevant literature, holding interviews with immigrant domestic workers and employers, and engaging in participant research with the San Francisco-based organizations Hand in Hand the Domestic Employers Network and the California Domestic Workers Coalition to organize the paid time off legislative campaign, this research has arrived at four central conclusions that follow.

First, the leadership of immigrant women, and the multiracial, transnational and feminist strategic approach towards organizing, has generated a robust and visionary domestic worker rights movement. At the same time, the historic devaluation of domestic work, and its exclusion from protections under the law, are in large part due to its characterization as a primarily immigrant women of color-led workforce. Yet, despite the marginalization of the work, the deep history and present day organizing of an "un-organizable" workforce reveals the resilience and power of the movement. Organizations like the CDWC offer keen insight into how building a successful organizing base and strategic agendas requires collaboration and direction from those most impacted by the issue. In this way, the CDWC and the broader national movement offers a promising model for organizing low-wage women immigrant workers. The intersectional lens of

the movement calls for a recognition that everyone- excluded workers and employers alike- will win when immigrant domestic workers win.

Second, immigrant domestic workers who are leading the movement understand that in order to actualize sweeping change in the sector, they must secure buy-in and support from employers. One clear example of the importance of including the employer perspective was seen in Gavin Newsom's rejection of SB1257 Health and Safety Workers Act, on the basis that employers would not understand how to implement the bill's proposed regulations. The SB1257 campaign, among others, highlighted how legislators often focus solely on impact to employers when considering the legislative demands of domestic workers. After analyzing the collected qualitative data, it is apparent that employers involved in organizations like Hand in Hand have already mobilized in support of the movement. As members of Hand in Hand, organizing-involved employers attend lobbying meetings, share their challenges in domestic employment, and formalize and strengthen their professional relationships. Hand in Hand's intersectional strategies, comprehensive educational resources, and taking guidance from immigrant domestic workers constitute a successful approach to organizing. Employers not involved in organizing with groups like Hand in Hand, by contrast, must examine their intimate relationship to domestic work and their responsibility to meet the demands of their domestic workers.

Third, in addition to advancing legislative actions, the domestic worker rights movement more broadly aims to reframe the narrative around domestic work and immigrant workers. While the movement establishes an important starting position in advocating legislative changes, new workplace regulations alone do not transform nor inspire fundamental shifts in culture. The movement therefore calls for sweeping cultural changes on several fronts. First, in the absence of standardized practices enforced by government bodies, employers must work to both improve

the conditions of their household workplaces and transform their relationship to domestic work. Specifically, employers should regard their households as workplaces and improve working conditions by drafting contracts and enforcing standard work agreements. Second, household employers must also examine and recognize their own positional power in their relationship to their employees, and recognize their responsibilities as employers. Third, beyond the level of the individual employer, the movement calls for a radical transformation of the social and economic systems that shape the domestic work sector and marginalize immigrant women of color. A starting point to realize this vision is implementing the principles of the solidarity economy framework discussed in this paper.

Finally, the unprecedented 2020 – 2021 year has proven that there is an increasing openness to principles and practices that are aligned with a solidarity economy. The COVID-19 pandemic has exposed the many inequities that exist across race, income level and citizenship status in the United States. The context of the 2020 – 2021 year has therefore created a unique opportunity for the domestic workers movement. A year of stay at home orders placed a central focus on the importance of labor performed in the household. Social theorists such as Manuel Pastor, Chris Brenner and others have posited that the fundamental way to address persistent social and economic inequities is reorganizing the economy through principles rooted in solidarity. The tenants of the solidarity economy framework presented in this research, “embrace and integrate immigrant California” and “care for the caring economy,” reflect an avenue by which the demands of the domestic workers rights movement can be fulfilled. If nothing else, one lesson from the 2020 – 2021 year is that the time for radical re-imagination is now.

*“Because if not now, when?”<sup>147</sup>*

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<sup>147</sup> Field notes, “Domestic Workers and People with Disabilities: Organizing for Safety and Health in the context of COVID-19, Wildfires and Power Shutoffs Webinar” 11 April 2020

The San Francisco paid time off ordinance will continue to be promoted by Hand in Hand and the California Domestic Workers Coalition beyond the timeline and scope of this research project. The campaign has served as a small-scale yet significant example of how legislation accompanied with a call for transformative shifts will lead to incremental, positive changes in the domestic work sector. During the COVID pandemic, the need for paid time off and a mechanism to ensure that domestic workers gain rights to accrued leave, minimum wage and overtime pay has never been clearer. The campaign has demonstrated how economic principles rooted in solidarity can be put into practice, and reflects an ongoing effort to re-evaluate, re-envision and reconstruct systems to achieve rights for all historically excluded communities. When the paid time off campaign is presented to the Board of Supervisors in June of 2021, San Francisco will have a chance to correct system inequities and strengthen protections for domestic workers in the city. In sum, this campaign - and the domestic workers movement at large - demands that domestic work is protected, respected and dignified.

Immigrant domestic workers have demonstrated the profound power of organizing for better workplace conditions amidst historic wildfires sweeping across the state of California, the ongoing national movement for social and racial equity, and a global pandemic. These workers have shown remarkable resilience in their organizing and advocacy efforts, and how their spirit of maintaining community, connectedness and unity can persist in the face of mandated physical distancing and a fraught political and economic climate. Despite the continued challenges faced and the legislative losses experienced along the way, the movement continues moving forward to achieve a household workplace rooted in collective power, reciprocity and solidarity.

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